EXTENSIONS OF REMARKS

LEGISLATION TO AMEND SUPERFUND PROGRAM

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. VOLKMER. Mr. Speaker, as the House prepares for the reauthorization of the Superfund program, a law enacted in 1980 designed to clean up America's thousands of hazardous waste sites, I, along with my colleague from Missouri, Mr. SKELTON, are introducing legislation today to amend that law. As with the initial implementation of any program, problems have arisen that could not be foreseen in the drafting of Superfund.

Unfortunately, during the last few years Missouri has experienced many problems. Through the activities of one waste hauler, Missouri was contaminated by dioxin. More than 200 potential sites of contamination have been reported to EPA and over 30 have been confirmed.

The problems this legislation addresses are important in human terms. The proposed legislation would clarify EPA's authority in situations where Superfund must be applied to a contaminated community. Specifically, it clarifies the Administrator's discretionary powers in three fundamental areas. First, it permits the Administrator to permanently relocate residents of a contaminated area to protect human health or where it is cost effective to do so. Second, it allows the Administrator to provide for payment of business debt during the time of temporary relocation or until permanent relocation is accomplished. Finally, it spells out that unemployment assistance available under the Disaster Relief Act of 1974 can be applied to those thrown out of work by a hazardous waste disaster.

Mr. Speaker, the confirmed dioxin sites in Missouri range from a trailer park in Gray Summit, to horse arenas in New Bloomfield and Moscow Mills, to the entire city of Times Beach. Our experience with dioxin indicates that Superfund as it currently exists does not have the flexibility needed to deal with these varied situations. It does not have the flexibility to allow EPA to immediately respond to threats to human health. The citizens of Times Beach experienced this problem. Citizens were driven from their homes by the rising waters of the Meramec River and then told not to return because of dioxin contamination in their community. They were provided temporary relocation and after 2 months EPA decided to relocate the residents permanently.

At the Quail Run Trailer Park in Gray Summit, a situation similar to the one in Times Beach exists. Because of the existing law, EPA cannot immediately relocate the citizens of Quail Run on a permanent basis. Today these citizens wait for a permanent solution to a problem that has disrupted their lives. This legislation would amend the definition of "remove" or "removal" in the Superfund law to clarify that the Agency can move immediately to permanently relocate the residents of a contaminated site if such a step is found to be cost effective or may be necessary to protect health or welfare. For example, in some cases it may make more sense—economically and socially—to buy up and seal off a highly contaminated residential area immediately, rather than locate the residents indefinitely in temporary housing during an extended, possibly impractical, cleanup.

This legislation also gives EPA the authority to pay the interest and principal on business debt during the period of temporary relocation. Temporary relocation is intended to protect the residents of a contaminated area, but when a community is evacuated, businesses are cut off from their customers. Their income stops, while their business expenses continue. I want to make it clear this provision is not intended to compensate an owner for lost income but rather provides for business debt only.

Many other sites, not only in Missouri but throughout the country, are experiencing these same problems. The Federal Government undertook the responsibility to clean up our Nation's hazardous waste sites in 1980 by enacting Superfund. The fact that these contaminated sites exist at all is disrupting to the lives of those citizens residing in such areas. Handcuffing EPA's authority to react quickly, fairly, and in a responsive manner to such problems defeats the purpose intended by Congress. This legislation is one small step to fill the gap we could not foresee in 1980.●

RAOUL WALLENBERG: TRIBUTE TO A LOST HERO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LANTOS. Mr. Speaker, 2 years ago the Congress and the President approved legislation making Raoul Wallenberg an honorary citizen of the United States, as exemplifying the ideals that we as Americans revere. Wallenberg has become a symbol of humanity, decency, and heroism around the world.

I would like to call to the attention of my colleagues in the House the effort of a Colorado playwright to give the Wallenberg story greater circulation through a dramatic portrayal of the man's life and accomplishments in Budapest.

Carl Levine, professor emeritus of English at Colorado State University in Fort Collins, first became interested in the Wallenberg story immediately after World War II when he was in Stockholm on behalf of the American Friends Service Committee to expedite food and clothing to refugees in Germany and Finland.

Levine's interest and research has been woven into his drama Raoul Wallenberg: Tribute to a Lost Hero, which was premiered in Denver's Bonfils Theater in March of this year. The initial performances of the play were so successful that the play's run was extended and the production has been scheduled to be rerun at Denver's Shwayder Theatre during the 1983–84 season.

Wallenberg dramatizes events during a 5-day period during World War II in a Swedish protected house in Budapest, during which the Swedish diplomat's mission of saving nearly 100,000 Hungarian Jews from Nazi and Hungarian fascist extermination camps is portrayed on a more individual scale.

Reviews of the drama have been enthusiastic: "A powerful story which stirs us" (the Denver Post), "An engrossing drama in which one man's life takes on the magnitude of legend" (Rocky Mountain News), "A dramatic production of great intensity and moral challenge" (Friends Journal).

Mr. Speaker, a particularly incisive review of the play was recently published in the Friends Journal. I commend it to my colleagues.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RAOUL WALLENBERG: TRIBUTE TO A LOST HERO

Friends in the Denver-Boulder area had a special treat last spring when they were able to see the world premiere production of Carl Levine's play, Raoul Wallenberg: Tribute to a Lost Hero.

Carl Levine has spent a lot of time unraveling the reality of Wallenberg's rescue of tens of thousands of Jews in Budapest at the end of World War II and the mystery of his disappearance when the Soviet troops moved into the city. Out of this comes a dramatic production of great intensity and moral challenge.

Carl Levine and his wife, Augusta, first became interested in the Wallenberg story when they were in Stockholm for the American Friends Service Committee in 1946–47. Their job was to expedite food and clothing from neutral Sweden to the starving refugees in Finland and Germany. After a year they went into direct relief work in Germany. There they learned that an American Jewish organization, through the U.S. government, had offered to finance the rescue of the last Jews in Europe who were being shipped to Germany. Wallenberg, the son of a wealthy banking family in Sweden, volunteered to go, and the Swedish government gave him second secretary status in the legation in Budapest and the freedom to operate in any way he could.

The Levines followed the trail to Budapest and heard that from July 6, 1944, to January 17, 1945, Wallenberg exerted superhuman efforts to succor Jews and others in peril. He set up special diplomatically protected houses flying the Swedish flag and moved refugees out of the country by printing innumerable Swedish "protection passports." The situation was extremely chaotic with rightist Hungarian Nazi groups roaming the streets as the Soviet armies advanced.

Levine did extensive research to find out what happened when the Soviet army took over, but only one thing is clear: Wallenberg went off with Soviet officers for questioning in January 1945 and has never been heard of since.

Carl Levine does a remarkable job of weaving all this into a play that shows heroism that is very human, desperation without complete loss of hope, and moral challenge without preaching. Wallenberg is depicted as a real person, not a saint. He gains great satisfaction from using all his ingenuity to save people—his concern for individuals is clear, but he is also intrigued by the excitement, the danger, the power that he wields.

The climate of terror is clearly shown in faces and words, but the main violence is off stage, and there are moments of relief from tension. The company of refugees coming in and out of the waiting room is one of the Swedish-protected houses is a mixture of humanity, from the Hasidic rabbi who dances in the midst of it all to the vulnerable young woman who will not relinquish her gold locket. They are real-life refugees, alternately praising and cursing their benefactor, sometimes helping each other, sometimes quarreling.

In each of two acts there is a confrontation with the military, the first with Nazis, the second with Soviet "liberators." The common characteristics of tyrannical, sadistic behavior are shown as the results of alienation with the fears, suspicions, loneliness, and grabbing for personal loot. The Russians are only a bit more jovial in their pilfering and intimidating.

The play is valuable for Quakers in its presentation of the ethical dilemmas of such a crisis. Should the Jews fight back, rather than accept their fate? Are lies, fabricated documents, and threats justified in saving lives? Why is a Christian risking all to save the Jews?

The question of Wallenberg's disappearance and possible continuing existence in a Soviet prison haunts us at the end. Without softening the possibility of Soviet culpability, Levine gives hints of genuine reasons for Soviet suspicion of a Swede whose family was intimately involved with Sweden's flawed neutrality and who was amply funded with American capitalist money.

Carl Levine is emeritus professor of English at Colorado State University, Fort Collins, Colorado. He is well known as a teacher of English literature with a passion for social concerns.●

LEADERSHIP BY HON. JOHN CONYERS, JR.

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. SAM B. HALL, JR. Mr. Speaker, as a member of the Judiciary Committee I want to pay special tribute to the tremendous work and leadership of our colleague, JOHN CONYERS, in guiding through the committee a bill dealing with the difficult and sensitive issue of the insanity plea.

As chairman of the Subcommittee on Criminal Justice, JOHN CONYERS tackled this problem with resolve, knowledge of the law, and a commitment to finding a solution that would achieve bipartisan support.

As Chairman RODINO pointed out, after the full committee reported the bill, it is "an important improvement over current law, but one that still retains the insanity defense in the limited and explicitly defined circumstances where a person does not appreciate the wrongfulness of a criminal action."

Of course, it has been obvious for some time that Congress must provide guidelines for our judiciary in regard to the insanity plea. This became especially critical in view of the public outcry over the Hinckley verdict.

It is too late in the session, as I understand, for the Conyers bill to come to the floor. However, it should be high on the agenda early next year.

The legal community is very divided over the insanity defense. It is a constitutional problem that requires a calm and reasoned approach, and this is just the way Chairman CONYERS handled it. He deserves our thanks and the thanks of the American people who are looking to us for assurances that people charges with capital crimes are not indiscriminately released on technicalities in the insanity defense.

There are many facets to his bill, but basically it would provide a shift in the burden of proof from the prosecution, which, under existing law, must prove a defendant's sanity to the defense.

In addition, it contains the following: First, redefines the Federal insanity defense by limiting it to a cognitive test requiring that a person did not appreciate the wrongfulness of the act, and eliminates the volitional test which refers to the defendant's ability to control his or her conduct; second, provides a prohibition of expert witness testimony in determining the ultimate issue of the defendant's sanity; third, establishes a Federal commitment procedure for persons who are found to constitute a threat to themselves or society.●

CONGRESSIONAL SALUTE TO THE HONORABLE HAROLD KRAMER OF PASSAIC, N.J., DISTINGUISHED CITIZEN, BUSINESS AND COMMUNITY LEADER AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ROE. Mr. Speaker, on Friday, November 18, the residents of my congressional district and State of New Jersey will join together in testimony to an outstanding business leader in the construction industry, community leader, and good friend—the Honorable Harold Kramer of Passaic, N.J.—whose birthday celebration commemorating the 75th year of his birth will provide an opportunity for his relatives and many, many friends to express tribute to his lifetime of good works. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him and share the pride of his good wife, Adeline; three sons, George, Frederick, and Arthur; and eight grandchildren, Lawrence, Andrew, Susan, Alexander, Jonathan, Oliver, Allison, and Joshua, on this most joyous occasion in testimony to the quality of his leadership and professional expertise in his field of endeavor, the warmth of his friendship, and his standards of excellence in our American way of life.

Mr. Speaker, Harold Kramer's personal commitment to the economic, social, and cultural enhancement of our community has been a way of life for him. He was born November 25, 1908, and over the years, from schooling to other endeavors, he has been active in the city of Passaic, where he still resides. Mr. Kramer graduated from Passaic High School in 1928, completed New York University in 1932, attended Newark School of Fine and Industrial Arts in Newark, N.J. and New Jersey Law School.

As an officer of Kramer Lumber Co. in Clifton, N.J., for 55 years, Harold has been actively engaged in the construction industry for almost that entire period. His well-known Harmer Cos. constructed more than 15,000 single-family and 6,000 multi-family dwellings since 1939 in more than 40 New Jersey cities and communities. He also was involved in construction in New York State where his company built more than 650 townhouses.

Mr. Kramer is still active in the construction field, as chairman of the board of Harmont Corp. This company is developing 50 passive solar condominiums in Mt. Snow, Vt.

Harold's exceptional transcendent intellectual and creative genius in the construction industry, now preserved in brick and mortar with enduring significance, stand, as a monument to his exemplary professional expertise and record of achievements in pursuit of life's fulfillment and purpose. As a leader in the construction industry, Mr. Kramer has been honored on numerous occasions by the Builders Association of Northern New Jersey, a most prestigious organization that he helped to establish in 1943. He served as president of the association in 1958–60 and as chairman of the board, 1960–61.

Mr. Speaker, Harold Kramer has attained the greatest respect and deepest appreciation from a grateful community for his compassion, dedication, and untiring efforts in service to his fellow man. In 1976 and 1977, he served as deputy mayor of Passaic, N.J., and was president of the Passaic Area Chamber of Commerce. He also has served on the board of trustees of Beth Israel Hospital in Passaic from 1947 to the present, has been on the board of trustees of Temple Emanuel for more than a half century, and over the years has been a key figure in the growth of both the city of Passaic and county of Passaic.

Mr. Speaker, the foregoing highlights of the lifetime of devoted expertise that Mr. Kramer has imparted to his fellow man only scratch the surface of the standards of excellence and highest order of performance that one man could give in a highly successful career which has truly enriched our community, State, and Nation. I am pleased to seek this national recognition of all of his good works.

As we gather together in a diamond jubilee birthday celebration to a good friend and distinguished citizen, we extend the appreciation of the Congress to Harold for his many, many contributions to the quality of life and way of life for all of our people. We do indeed salute a great American—the Honorable Harold Kramer of Passaic, N.J.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was unable to be present and voting when the House considered various pieces of legislation on the following days:

MONDAY, OCTOBER 31

Had I been present, I would have voted for the motion to order the previous question on the O'Brien motion to instruct confereees to insist on the House position that $70.15 million of the funds in the bill be earmarked for juvenile justice programs in H.R. 3222, State, Justice, Commerce appropriations bill for fiscal year 1984.

I would have voted no on an amendment offered by Mr. BROWN of Colorado to the O'Brien motion to further instruct conferees on H.R. 3222 to insist on the House position that not more than $21.3 million in the bill be appropriated for the Endowment for Democracy, and that no funds be given to any political party. I am a strong supporter of the Endowment for Democracy.

I would have voted for an amendment offered by the Judiciary Committee to strike provisions allowing the EPA to file civil actions in cases where the Justice Department fails to act within a specified time on EPA requests for litigation. This was an amendment to H.R. 2867, hazardous waste control.

TUESDAY, NOVEMBER 1

Had I been present, I would have voted for the motion to approve the House Journal of Monday, October 31.

I would have voted against the motion to suspend the rules and pass S. 448, the Belle Fourche project in South Dakota, a project costing $42 million for expenses involved in the rehabilitation of it.

I would have voted for the motion to suspend the rules and pass House Joint Resolution 402, War Powers Resolution, requiring the President to withdraw U.S. troops from Grenada within 60 days unless Congress grants an extension.

I would have opposed the amendment to delete multiyear procurement funds for the B-1 bomber contained in H.R. 4185, DOD appropriations for fiscal year 1984.

I was paired against an amendment to H.R. 4185 which would have deleted $2.2 billion for procurement of 21 MX missiles.

WEDNESDAY, NOVEMBER 2

Had I been present, I would have voted for the motion to approve the House Journal of Tuesday, November 1.●

McCLYMONDS HIGH SCHOOL ALUMNI HONOREES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DELLUMS. Mr. Speaker, this Friday, November 18, the McClymonds High School Alumni Association will honor three individuals, Ms. Dorothy M. Hinmarsh, Mr. George Powles, and Mayor Lionel J. Wilson, for their outstanding contributions to the Oakland and bay area community. As an alumnus of McClymonds and a person who is well aware of the contributions given my community by these three individuals, I want to take this opportunity to share with my colleagues the inspiring history of community activism and selfless service provided by each of them.

Dorothy M. Hinmarsh served as a teacher, counselor, and director of student affairs at McClymonds High School for over 20 years, from 1938 to 1940 and 1942 to 1959. This service, and her work as a vice principal in the Oakland School District from 1959 to 1969, were both undertaken with a sense of dedication to improving the lives and educational attainment of the students that she served. She not only worked hard on behalf of individual students, but she undertook unstinting efforts to further educational and developmental programs that would have a wider impact.

Mr. George Powles worked for some 25 years as a teacher and coach for the Oakland Unified School District. Under his patient influence, Mr. Powles brought a number of America's greatest athletes to maturity. His work with the school district, the Oakland Athletic League and the National American Legion baseball program earned him the National American League baseball program award in 1950, influenced his selection into the California coaches Hall of Fame in 1981, earned him the distinguished Alumni Award of the Marcus A. Foster Education Institute in 1982 and the meritorious service award from the American Baseball Coaches Association in 1983.

Mayor Lionel J. Wilson has long been a community leader of outstanding caliber. During the past 33 years, his work with the NAACP, Charles Houston Law Club, YMCA, New Oakland Committee, Oakland Economic Development Council, Inc., Alameda County Mental Health Council and many other organizations have inspired others and improved the quality of life in our city. His judicial career, first as a member of the Oakland-Piedmont Municipal Court and subsequently as a member of the Alameda County Superior Court, at one time its

presiding judge, was outstanding and marked one of the first significant advances for minorities in the judicial profession. His tenure as mayor of Oakland, the first black mayor of this major city, has coincided with major redevelopment of the city, a commitment the mayor has undertaken with great vigor. As a pioneer in so many fields, and as one who has worked hard on behalf of McClymonds High, it is quite fitting that he is being honored by its alumni.

I urge my colleagues to reflect on the selfless contribution that these individuals have made to our society. I hope it will prove to be an inspiration for many in the years to come.●

RABBI SAUL E. WHITE

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mrs. BURTON of California. Mr. Speaker, it is with great sadness that I rise to pay tribute to Rabbi Saul E. White, dean of northern California rabbis, who died early this month.

Rabbi White was a cherished friend of my husband Phillip and me for many years. He began serving his community 48 years ago in the small congregation of Beth Sholom, which at the time had only 48 families. Under his leadership that congregation grew to more than 600 families, making it one of the leading conservative congregations in the West.

Rabbi White's influence extended well beyond his own congregation and the Jewish community. He was a renowned and eloquent spokesman for human rights wherever they were threatened. Throughout his life, Saul White was a powerful champion of racial, social, and economic justice and a forceful advocate of religious tolerance.

His death is a profound loss for his congregation, our community and the entire Nation. I would like to extend my deepest sympathy to his wife, Ruth and their three children. His devotion, his wisdom, and his compassion will be greatly missed.●

SANTA MONICA REALTOR JON DOUGLAS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LEVINE of California. Mr. Speaker, recently I had an opportunity to take part in the Jon Douglas 10 kilometers race in Santa Monica. The proceeds from this race benefit all of the social service organizations serving the residents of the west Los Angeles area.

At a time when public resources to aid public service groups are increasingly difficult to find, events such as these are critical.

Many times the people who sponsor events such as these do not receive adequate recognition of their efforts to aid.

Recently an article appeared in the Santa Monica Evening Outlook which chronicles Jon Douglas' remarkable career. I would like to share this article with my colleagues and insert it in the CONGRESSIONAL RECORD.

[From the Santa Monica (Calif.) Evening Outlook, Nov. 7, 1983]

HOMETOWN BOY MAKES GOOD

(By Jim Brooks)

There's a flaw here. There must be.

A big smile curls across Jon Douglas' tanned face.

Whatever cracks three may be in this modern-day knight's persona, they appear etched no deeper than hairline fractures.

He's the kind of fellow that mothers pick for daughters, the one who not only quarterbacks his college football team but also sails through graduation ceremonies with a dual major and Phi Beta Kappa honors. In short, the type who makes the rest of us feel like underachieving Caspar Milquetoasts.

"We're hoping to do a billion in sales" this year, Douglas says, almost dismissingly, while relaxing a moment in the Beverly Hills headquarters of his real estate empire.

But it's not a boast. The Santa Monica hometown-boy-turned-good even admits to his millionaire status with an eyes-lowered chagrin.

After all, America doesn't like its success stories to be braggarts. And if ever there was case for capitalistic ballyhooing, this is it.

Middle-class youngster—"we didn't have a lot of money"—grows up, leads high school football team to two consecutive CIF championships, enters Stanford on athletic scholarship, graduates with honors, plays on Davis Cup tennis team for three years, falls into real estate and, within a decade of starting his own firm, sees his business rake in annual sales toppling the nine-figure mark.

Pause. Take a breath.

"It was just in me," Douglas says today, grasping for explanations or motivations. "My parents were supportive, but they were never pushy."

"He drove himself, he was like his father in that way," says his mother, Dortha Douglas, of her only child.

Most places she goes on the Westside she can see her son's name dotting the front yards of residences and commercial properties, the brown-and-white signs staking out a domain that stretches from Marina del Rey to Malibu and east to a newly opened office in Hancock Park.

A Brentwood resident for the past several years, Douglas hasn't forgotten the community he once called home. Last weekend, his firm, Jon Douglas Realtors, sponsored its sixth 10K Run with benefits going to the Santa Monica Community Services Agency.

"With my roots in Santa Monica, I thought it was a nice thing to do for the needy, a nice thing to do for the community I grew up in." The endeavor has put "in excess of $10,000" into the agency's coffers each year, he adds.

It was in Santa Monica that Douglas, an Army brat, landed as a sixth-grader and soon displayed his prowess on the football field. Local sports enthusiasts of yore will recall the Santa Monica High teams of 1952 and '53 that he helped push to CIF football championships. Those with elephantine memories may even remember the dark-haired teenager who also took home CIF honors for his talent on the tennis court and made all-Bay league in basketball.

The promise, on and off the field, was evident even then, says former classmate John Mortensen. "I mean everything he ever did—sports, school, leadership—he was there" at the top.

"So often guys with that much ability aren't nice to everyone, but Jack was. Even now, when we walk down the street, we'll see someone and I won't remember their name, but he will," says Mortensen, who played guard to Douglas' quarterback. He always remembers who they are."

Douglas used his flair on the football field as a springboard into college, winning an athletic scholarship to Stanford University where he became quarterback and captain of the team. But he was just as emphatic about scoring high on tests as he was gaining yardage.

"I was more into sports in high school (where he managed to breeze through his classes). Then I got to Stanford, and I thought, 'Jimminey crickets, all these guys are coming from these great prep schools.' . . . I just studied like crazy because I was scared to death of flunking out."

Consequently, Douglas fared so well in the classroom that first quarter, he switched to an academic scholarship that took him through college.

Still, he continued honing his football skills, garnering All-Coast recogntion and winning a spot as starting quarterback in the December 1957 East-West Shrine game.

Douglas' footwork on the tennis court was none too shabby either, and he tells with obvious glee of defeating Alex Olmedo in a Stanford-USC match. (Olmedo, now the tennis pro at the Beverly Hills Hotel, Douglas says, went onto outclass him at the National Intercollegiate Finals before claiming his Wimbledom title.)

It was tennis, in fact, that Douglas turned to in 1958 after graduating Phi Beta Kappa from Stanford with a dual major in history and economics.

Although he had much earlier established a goal of attending law school, he decided it was time for a break. "I was playing two sports, I was hashing for meals and I was working for money," he says of his college days.

The breather from academia turned into a year of tennis, a two year stint in the Marines, another year or so in tennis, a marriage—and no law school.

Once married, Douglas went to work for a friend in the hydraulic valve business, but after a few months decided that wasn't for him. He again made an overture to law school at UCLA, but it was February and he was advised to wait and start in September.

In the interim, he tried his hand at real estate. To put it mildly, he proved to have an instinctive knack for the business.

After a brief training program, "they put me in sales, and on my first day I made a ($40,000) deal. I made $500 and I thought, 'How long has this been going on?' "

Unsurprisingly, law school was put on permanent hold, and Douglas spent the next

eight and a half years learning the ins and outs of a business that eventually would put him near the top of his profession on the Westside.

By 1971, he was confident enough to join with partner Dan Emmett to start a firm developing properties in the Santa Monica Bay area. After building nine apartment buildings in a year, they opened a brokerage firm with five employees that tallied $10 million in sales the first year. (The Douglas-Emmett company now comprises a brokerage arm run by Douglas and a development branch overseen by Emmett.)

The venture has since snowballed into a network of some 750 employees, 14 offices and sales figures that "in terms of the Westside . . . are the largest numbers," Douglas says, though no comparison statistics are published.

Whatever, business is indeed good.

"The last five months, we've done over $100 million a month," Douglas says, hazel eyes sparkling. Last year, in fact, he opened a special division dealing exclusively with residential properties in the million-dollar and more range.

The man obviously has the Midas touch. But if Douglas' life has been cast in gold, there's been a few tarnished moments. As with the rest of us mortals, he's known his share of disappointments.

Though a master of the football field and tennis court, Douglas' first love in the athletic arena was basketball. But at 5-foot-9½—and he never forgets the half, he laughs—he didn't cut it in a sport where success is often measured in height.

On a darker note is a first marriage that produced three sons—now 18, 16 and 12—but ended in divorce.

If there was ever any bitterness, though, it appears to have dimmed with age. Douglas proudly reveals how his ex-wife, Sue Ellen Douglas, a former Santa Monica High teacher now working in real estate (for another firm, no less), covered the more than 26 miles in this year's New York marathon in 3:55, despite the inclement weather.

The one-time star athlete has turned to running himself for exercise, participating in each of the 10K runs sponsored by his firm. Tennis, however, has fallen victim to a schedule that sometimes includes 11-hour workdays. "Too much demand on my time," Douglas says of the sport that landed him on the U.S. Davis Cup teams in 1958, '61 and '62 and took him around the world.

"If I had had the (monetary) temptation that these young tennis players have today, I might have stayed with it," he says. "I'd be playing with (Rod) Laver and those guys—the old-man circuit."

As it was "I missed the big money in tennis by about five years."

He's been able to keep himself in the ballgame, so to speak, as a member of the Stanford Athletic Board of Directors. But he's also gained an outsider's perspective on the world of sports.

His company recently donated $3,200 to a program started by former Lakers forward Happy Hairston that awards scholarships to underprivileged youths to various Los Angeles prep schools. Hairston's view, Douglas says, is "the way these children are going to make progress is not really through professional athletics, but more pragmatically through education . . . I happen to agree with that idea. Education, to me, is the name of the game."

It's an all-American stance that has carried him well through the years.

"I think a person who doesn't grow up under a great deal of affluence is better off," Douglas adds. "If there's so much around and you get it so easily, you can have problems," especially later on when one expects the free ride to continue through life.

That's why he set up an allowance system for his sons, one of whom lives with him and his second wife, Dawn, a real estate broker who recently helped form the for-women-only club, Los Angeles Professional Republican Women, Federated.

Keeping up with his busy professional schedule doesn't permit lots of free time. Douglas allows, professing an interest in impressionistic art and nonfiction reading.

With that he plunges into an analysis of his latest favorite book titled—what else—"In Search of Excellence."●

R. A. "MOLLY" McGEE—A DEDICATED LEADER IN THE ANAHEIM UNION HIGH SCHOOL DISTRICT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. PATTERSON. Mr. Speaker, in my 9 years in Congress, I have had the opportunity to work with many local officials on matters of mutual concern. While I have always been impressed with the caliber of these people, there are always those whose dedication, commitment, and vision mark them as outstanding. I rise today to ask my colleagues in the House to join me in paying tribute to one of those outstanding leaders—R. A. "Molly" McGee of the Anaheim Union High School District Board of Trustees.

In March of 1974, at the age of 19, Molly was first elected to the board of trustees of the Anaheim Union High School District as one of the youngest school board members ever elected in the United States. Molly quickly gained the respect of her colleagues on the board and of her contemporaries in the community. She received excellent training for her new role on the board when she served as the student representative to the California State Board of Education in 1971.

In 1974, Molly's fellow board members selected her to serve as alternate clerk of the board. She served in that capacity until 1976. Also in 1974, Molly was selected by the California State Superintendent of Public Instruction to serve as a member of the commission for the reform of intermediate and secondary education (RISE). In 1976, Molly's colleagues on the Anaheim Board selected her to serve as clerk of the board. She served in that capacity until 1980, when she was again looked to for leadership—this time as president.

In addition to her work on the board, Molly is active in numerous educational and civic organizations. Among these are the Parent-Teacher Association (PTA), the California School Boards Association Delegate Assembly, the Altrusa International, and the League of Women Voters. As a leader, Molly has always realized the importance of sharing information and skills with others. To that end, she conducts workshops and seminars around the State to improve the leadership skills of school board members and educators. In 1981, Molly's efforts were recognized by the Anaheim Women's Division of the Chamber of Commerce when they awarded her the Woman of the Year—Annie Accolade Award.

While Molly has always been a dedicated board member, her time as president was perhaps the most challenging. When Molly took over as president of the board in 1980, she inherited a school district in transition. Through her leadership and commitment, she took significant steps to insure the best decisionmaking environment for the board in preparation for the difficult decisions that had to be made to keep the AUHSD in financial solvency.

Molly began with a modest agenda. She involved the community in making recommendations regarding district organization and school closure. She was instrumental in the smooth transition to the "2-4 Plan". Molly encouraged staff development and inservice workshops for district employees. She led the drive to improve articulation and communication with feeder elementary school districts. In addition, student achievement has always been a top priority for Molly. To this end, she has worked to improve student achievement through a renewed emphasis on testing and basic skills.

Mr. Speaker, Molly McGee has provided an ongoing commitment and leadership to enhance the quality of education in the Anaheim Union High School District. In all of her decisions, she has placed the interests of the students above any other consideration. Molly has always been known for her openness, honesty, and integrity. As president of the board during a troubled time, Molly was key to the healing process that brought support back for our schools. I am honored to commend her before my colleagues today, and ask them to join me in paying tribute to R. A. "Molly" McGee—a truly outstanding local official.●

ERA VOTE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LEWIS of California. Mr. Speaker, due to a death in my personal family, it was necessary that I be absent from the floor today as the

House considered the equal rights amendment. While I am in strong disagreement with the procedure involved in controlling the debate on the proposed constitutional amendment and feel that the leadership responsible is doing unnecessary violence to the constitutional amendment process, if given the opportunity for a straight up or down vote on the equal rights amendment, I would have voted aye.●

KEN DUBERSTEIN'S DEPARTURE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MICHEL. Mr. Speaker, it was announced this week that Kenneth M. Duberstein, Assistant to the President for Legislative Affairs, will be leaving his post in the near future to return to the private sector.

I take this time to wish Ken well in his new pursuits and to say that he will be sorely missed by those of us in the Congress who have come to depend upon his counsel, his representation of the President, and his keen understanding for, and appreciation of, the legislative process.

Ken has served the President with distinction and he has played no small part in the successes of this administration in enacting its legislative agenda over the course of the last 3 years.

He brought with him to the White House the culmination of many years of public service and many years of experience as Deputy Under Secretary of Labor, as Director of Congressional Affairs at GSA, and as a Senate staffer. Ken was a very capable assistant to Max Friedersdorf when he was in charge of White House liaison operations and I was very pleased with the President's decision in December 1981 to elevate Ken to Max's position.

Ken has done the country a great service and he has certainly earned the right to move on to other pursuits, pursuits which will undoubtedly give him the precious time he has longed for to spend with his lovely wife, Sydney, his family, and his friends.

I have no doubt that some of Ken's free time will be spent in a front row seat at the Cap Centre offering free advice to the coach of the Washington Capitals. I always found in my dealings with Ken that if I couched my comments in hockey terms they seemed to be received with a far greater degree of understanding.

Fortunately for us in the Congress, Ken's difficult role as the President's right-hand man for legislative affairs, will be ably filled by a fellow Illinoisan and friend of ours, B. Oglesby.

Filling the shoes of Ken Duberstein will be no easy assignment, but I know that B. will do an outstanding job.

To Ken and Sydney we wish the very best in the future and thank them both for the unselfish commitments of time and energy they have made to the service of the President, the Congress, and to the country.●

BARBARA CHARLINE JORDAN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LELAND. Mr. Speaker, today I am introducing a resolution which would rename the main post office facility in my home city of Houston after one of its most outstanding citizens, Ms. Barbara Charline Jordan, a lady with whom many of you have had the honor and pleasure to work when she was a Member of the U.S. House of Representatives.

Although she is no longer in the Congress, she is still very active in her home State of Texas. While she has already made far more than enough contributions to this Nation to deserve this recognition, her work is not finished and I know that we can look forward to many more contributions from her. She has proven time and again that she thrives on new challenges and excels at each new opportunity.

Even though her accomplishments and capabilities are larger than any one city, I find it very appropriate that we honor her in this modest way in the city where she was born and reared. Her accomplishments are usually listed as "firsts," something which rarely pleases her. These "firsts" are always described as her being the "first black woman to * * *". She prefers to be recognized for her conquests of unfair and irrational obstacles such as racism. While this factor motivates her to strive and to help others, she does not seem willing to allow herself to be praised for raising herself above it.

Despite her unwillingness to be cast as "the first black woman," I find it hard to refrain from mentioning several of these "firsts:" the first black woman to be elected to the Texas Senate, in 1966; the first black woman to represent a southern State in Congress since reconstruction; the first black keynote speaker at a Democratic National Convention. These achievements are impressive enough at face value, but, when one looks beyond them, there is an even more impressive array of beliefs and ideals.

She is the same woman who was truthful enough to point out that as a black American, "When the document (the U.S. Constitution) was completed on the 17th of September in 1787, I was not included in that 'We the people'," but then later declare in the desperate hours of the Nixon impeachment proceedings, "My faith in the Constitution is whole, it is complete, it is total." Here is a woman capable of mixing this highly emotional awareness with intellectual idealism and not giving in to others' lack of comprehension of the situation. She never asked for special treatment, "I am neither a black politician nor a female politician. Just a politician. A professional politician;" nor does she encourage others to so do.

In her new profession, as a professor at the University of Texas Lyndon B. Johnson School of Public Affairs, she has given the message, "There is no obstacle in the path of young people who are poor or members of minority groups that hard work and thorough preparation cannot cure. Do not call for black power, or green power, call for brain power." As William Broyles wrote of her in 1976, "A Southern woman from the race of slaves, she dramatically affirmed, in spite of slavery, civil war, and segregation, her faith in our original ideals. She inspires the belief that one day the burden of race may be set aside." She was fighting for her people and her country at the same time, realizing that to help one was to help the other.

The Reverend Bill Lawson, who in 1965 led almost 10,000 blacks in a protest march in Houston calling for school desegregation, said of Barbara Jordan, "She had a vision back in the sixties. Most of us couldn't see it. She was beyond conflict to the enduring institutions, and she saw that most people, even black people, wanted to believe in them, if only they could be made to work. Within these institutions she saw that people like Sam Rayburn and Lyndon Johnson got more done. So she wed her philosophy and purpose to their practical skills. But she kept her purpose. The rest of the civil rights movement is far behind her in making that transition."

I hope that I have been successful in presenting even in a small part of the greatness of this lady, Barbara Jordan, and the greatness of her philosophical blend of realism and idealism. She never insinuated that the truth should be overlooked, but that an unwarranted emphasis on problems that persist can lead a person to lose track of goals that can be accomplished. She is living proof that you can be what you really want to be, and she is a worthy role model for women and men of all races.

Barbara Jordan is one of the most notable, capable, gifted and inspirational leaders this country has had. It is a very modest honor that I am proposing we bestow on her, but I think it can do a great deal to remind all Houstonians of what can be accomplished through application of qualities that Barbara Jordan so abundantly possesses.●

STREET PEOPLE AND PSYCHIATRY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. GUARINI. Mr. Speaker, to date 57 of our colleagues have joined Congressman CHARLES RANGEL and me in sponsoring legislation which calls upon the President to convene a White House Conference on the Homeless and the Hungry. As the cold weather of winter approaches, the urgent need for answers and action for these twin national tragedies grows.

The ranks of professionals who are concerned about these issues are swelling. Indeed, the American Psychiatric Association's monthly magzine devoted to the care of the mentally disabled, Hospital and Community Psychiatry, in September probed in great detail the issue of homelessness. As stated in the opening commentary in this issue:

There are several reasons for the (increases) in the homeless population. Certainly, our nation's economy has been suffering from a disastrous, prolonged recession, and many people who were barely surviving before have lost not only their jobs but also their health insurance and their ability to pay for housing. In addition, inflation and the gentrification of inner-city neighborhoods have driven up the cost of housing in the cities. Finally, the deinstitutionalization policies of the past 28 years have clearly revealed what happens when resources, services, and moneys do not accompany patients from institutions to "the community."

Today I would like to share with you an article by Robert E. Jones, M.D., who is president of the Philadelphia Committee for the Homeless and professor of Psychiatry at the Jefferson Medical College of Thomas Jefferson University. Dr. Jones traces the history of the homeless mentally ill in the United States and discusses effective ways of altering the public and the mental health field to the plight of street people. I am sure we will find the Hospital and Community Psychiatry series most informative about a national tragedy we must address effectively.

The article follows:

[From the Hospital and Community Psychiatry, September 1983]

STREET PEOPLE AND PSYCHIATRY: AN INTRODUCTION

(By Robert E. Jones)

More than once in American history insane people on city streets have alarmed the public and have pricked the social conscience of American citizens so that the care of the mentally ill has been improved. This paper provides an introduction to the problem of street people, by briefly reviewing its history, the rise of advocacy, the role of the media, and recent literature.

Benjamin Franklin recorded that "several Inhabitants of the Province, who unhappily became disordered in their Senses, wandered about to the terrour of their Neighbours, there being no place in which they might be confined, and subjected to proper treatment for their Recovery" (1). It was the plight of these homeless insane that prompted a group of 33 citizens to submit a petition, penned by Franklin, to the Pennsylvania legislature, which resulted in the opening of the nation's first hospital in 1752.

Nearly a century later, in 1845, Dorothea Dix wrote to the Pennsylvania legislature: "I come to represent to you the condition of a numerous and unhappy class of sufferers who fill the cells and dungeons of the poor houses. * * * I refer to the pauper and indigent insane. I come to urge their claims upon the commonwealth for protection and support. * * * I do not solicit you to be generous; this is an occasion rather for the dispensation of justice.

"These most unfortunate beings have claims, those claims which bitter misery and adversity create, and which it is your solemn obligation as citizens and legislators to cancel. As the advocate of those who are disqualified by a terrible malady from pleading their own cause, I ask you to provide for the immediate establishment of a State Hospital for the Insane" (2). Dorothea Dix's labors on behalf of the homeless and inappropriately housed insane poor resulted in the opening of 30 state hospitals.

RECENT HISTORY

How did the phenomenon of so many mentally ill street people happen again in the 20th century? It began with a public outcry about the appalling conditions of overcrowded state mental hospitals. One of the first revelations to incense Americans was a 1946 photographic essay in Life magazine that portrayed naked patients in rundown, overcrowded wards of Philadelphia State Hospital. Following that article came films like The Snake Pit, which reached wide audiences.

In 1954 France introduced chlorpromazine to the United States; the drug provided a simple means of calming the psychotic and suppressing their hallucinations and delusions. In 1958 the Joint Commission on Mental Illness and Health was established. The commission designated the proposal, which President John F. Kennedy presented to Congress in 1963, calling for a nationwide system of treatment of the mentally ill within their communities. Soon after the civil rights movement gained more momentum, and advocates for the mentally ill began to claim the right to the "least restrictive alternative." Thus the presence of the insane on the streets was made possible by a medical triumph and a social rights victory.

During the 1970s we gradually became aware that the number of street people were increasing, that they were no longer confined only to Skid Row areas of cities, and that the composition of the group was changing. In the 1960s the denizens of Skid Row, who lived in flophouses and boarding houses, were single and usually alcoholic men; in the 1970s the population had larger factions of younger people and women and many more former mental patients.

CAUSES OF HOMELESSNESS

Foremost among the causes of homelessness is deinstitutionalization, a factor that demands the attention of the psychiatric profession.

The deinstitutionalization of state mental hospitals was defined by the director of the National Institute of Mental Health in 1975 as the prevention of inappropriate mental hospital admissions through the provision of community alternatives for treatment, the release to the community of all institutionalized patients who have been given adequate preparation for such a change, and the establishment and maintenance of community support systems for noninstitutionalized people receiving mental health services in the community (3).

The phenomenon of deinstitutionalization has been the subject of numerous papers and books, including those by Bassuk and Gerson (4), Bachrach (5), Braun and associates (3), Talbott (6), and Pasamanick and associates (7), and a report of the Group for the Advancement of Psychiatry titled "The Chronic Mental Patient in the Community" (8). In one of several articles on deinstitutionalization in the February 1983 issue of Hospital and Community Psychiatry, Goldman and associates (9), using data collected by NIMH, showed that 1.5 million to 2.2 million chronically mentally ill Americans no longer reside in state hospitals, but now reside in nursing homes and boarding homes.

It is the failures in this carefully planned process of deinstitutionalization—patients who leave the institutions, have no other support system, and actually live in the streets—who must concern us. Shelters report that the number of residents who arrive directly from inpatient psychiatric facilities is increasing.

While deinstitutionalization may be a major cause of homelessness, other significant causes are the economic recession, unemployment, and cutbacks in federal support programs. In addition to cutbacks in aid to individuals and disallowal of Supplemental Security Income, there have been cutbacks in programs for medical care, aging studies, alcoholism and drug abuse, families and children, and employment training. Lack of adequate low-cost housing and evictions also account for a significant number of the homeless.

MEDIA COVERAGE

The media have played a major role in acquainting the public with the plight of the homeless. Every large city newspaper and many national magazines have carried pathetic human interest stories about bag ladies and vent men.

For 18 months Philadelphia Inquirer reporter Donald C. Drake followed released mental patients and in a series of articles told "the story of a reform movement that sought to save such people but wound up forsaking them." New York magazine carried a long feature called "The Homeless, the Shame of the City" in December 1981. Philadelphia magazine published "The Other Side of Darkness" in 1981 and "Dealing at Street Level" in 1982, articles based on interviews with street people and the workers who try to help them.

The New York Times has done a particularly creditable job of informing the public. On February 26, 1983, the paper published the views of New York City Mayor Edward I. Koch on responsibility for the homeless. Koch said "I've always maintained that the basic responsibility is the city's. We spent $7 million on shelters in fiscal year 1979; this year we'll spend about $40 million—split equally between city and state. But I've also told churches and synagogues, who have been among our most vocal critics on this issue, and local communities that they should shoulder part of the burden. * * *

We've sheltered as many as 4,900 people a night recently, the most since the Great Depression."

LITERATURE ON THE HOMELESS

In addition to media coverage, literature on the homeless has begun to develop. In 1981 social researchers Ellen Baxter and Kim Hopper published "Private Lives/Public Spaces" (10), an analysis of the problem of homeless adults on the streets of New York City. Their book began as a "research study of the life circumstances of mentally disabled adults living in the community of New York City."

Baxter and Hopper view the homeless as the most desperate subgroup of the "disenfranchised in the community." In "Private Lives/Public Spaces" they discuss the origins of homelessness and strategies for survival on the streets, and describe their study methods, which included entering the men's and women's shelters themselves to gain first-hand experience of the services. Baxter and Hopper conclude that the conventional services approach to the homeless is inadequate and that the basic survival needs of the homeless must be met before rehabilitation efforts are useful.

The authors also refute the belief that the mentally disabled on the streets have such impaired judgment that they are unwilling to seek shelter or assistance when it is offered. They state that "where decent, humane shelter has been made available, it has never lacked willing recipients."

Baxter and Hopper describe the Pine Street Inn of Boston, which opened its doors 60 years ago, as a model shelter program. The Pine Street Inn offers security, cleanliness, meals, counseling services, and nursing services to 500 men and women each day. The authors call for the immediate development of similar shelters in New York City and long-term supportive housing. They also blame the state's Office of Mental Health for passing on the problems of the homeless to the welfare system rather than assuming responsibility for a failed deinstitutionalization policy. According to Baxter and Hopper, the problems of the homeless cannot be solved by mental health and social service professionals, because the causes of homelessness include housing limitations, welfare regulations, and deinstitutionalization policies that are beyond their control.

In a 1982 sequel, "*One Year Later*" (11), Baxter, Hopper, and other authors continue their indictment of the public agencies charged with the care of the homeless poor. They present a profile of New York City's homeless based on data from shelter surveys.

The median age was 40, with 75 percent of the men under 50 years of age and 25 percent of the clients under 30. More than 60 percent of the clients were black, and 10 percent were Hispanic. Seventy-eight percent had never married, only 28 percent had completed high school, and approximately 25 percent showed clinical evidence of alcohol dependency. When asked their reasons for seeking shelter, approximately 25 percent said they had lost a job, 14 percent said they had lost a residence, and 10 percent said they had been released from an institution.

These shelter surveys showed that by 1976 psychiatric problems rivaled alcoholism as the predominant disorder of homeless men. Fifty percent to 70 percent of the homeless men showed some psychiatric problem, and 31 percent to 74 percent had history of psychiatric hospitalization. More than half of the clients in the women's shelter were under 40 years old; 58.5 percent had histories of psychiatric hospitalization, and 13 percent came directly from hospitals.

Baxter and Hopper reviewed available shelter spaces, stated whether they met minimal standards established by the court during 1981, and made concrete suggestions for reenfranchising the homeless. To qualify for welfare assistance, a citizen must have an address, and thus finding a suitable home for a homeless person is a basic requirement.

More than any other publications, these two volumes have been used as tools by advocacy groups. Baxter and Hopper first estimated the number of homeless in New York City as 36,000, which made the city's 3,200 shelter beds appear meager. New York City officials responded by saying they would attempt to count the homeless, but later abandoned the plan in favor of applying for a federal grant to find better ways of moving people out of the shelters. The figure of 36,000 homeless was widely quoted in newspapers as a public scandal and served to alarm the public and public officials.

In *"Homelessness in America: A Forced March to Nowhere"* (12), Mary Ellen Hombs and Mitch Snyder focus on economic factors and deinstitutionalization as causes of homelessness and review the estimated numbers and conditions of the homeless in Washington, D.C., Richmond, Atlanta, and Chicago.

Paul Selden and Margot Jones have written for those who want to establish a small shelter. *"Moving On: Making Room for the Homeless, A Practical Guide to Shelter"* (13) discusses space requirements, shelter regulations, and factors in community acceptance or opposition.

ADVOCATES FOR THE HOMELESS

Every American city has invented its own strategies to deal with street people. Voluntary charitable organizations, usually church-based, and shelters funded by the city generally take the lead; when such organizations are not responsive, some advocacy groups have filed class-action suits on behalf of the homeless.

One of the most vocal advocates has been Robert M. Hayes, a 31-year-old lawyer who left a private firm to work for the Coalition for the Homeless in New York City. In 1980 Hayes successfully sued the city on behalf of homeless men, forcing officials to open shelters that met minimum requirements for showers, toilets, lockers, and sleeping and dining areas. In 1982 he again filed suit in the New York Supreme Court on behalf of homeless women for safe, accessible, and clean shelters.

The story of the homeless in Philadelphia is typical of the sequence of events in many American cities. For many years, Skid Row was located in a fairly circumscribed area of warehouses. The men lived in flophouses and small hotels, while poor women usually lived in boarding houses, so they were not actually homeless (14). A survey done in preparation for the demolition of Skid Row in 1965 reported that most of the vagrant men were single, 80 percent were alcoholic, and 14 percent to 17 percent were tubercular (15). Approximately 50 percent did seasonal day labor. The majority of these homeless men were fed by missions.

With the opening of community mental health programs in the late 1960s, the population of Philadelphia State Hospital was gradually reduced from 6,000 to 800 patients. Many of the deinstitutionalized patients entered nursing homes and boarding houses; those who reached the streets were cared for primarily by two Catholic shelters, St. John's Hospice for Men and Mercy House for Women. The Salvation Army offered care for homeless women with children. A new facility, the Peoples' Emergency Center, was opened by volunteers in 1973 to provide temporary shelter for families.

The homeless began to appear in the center-city business and shopping district. There was no program to reach them on the streets, and shelter space was woefully inadequate. Street people also began to appear in poorer suburbs, such as Chester and Bristol.

The first group to form was the Philadelphia Advocates for the Mentally Disabled, led by William Eisenhuth, who had personally fed and cared for street people. Eisenhuth recognized many of the street people as patients he had helped to treat when he was employed at Philadelphia State Hospital. With his own funds, he fed many of them as he canvassed streets and subways during the night. Eisenhuth's one-man mission was inadequate for the size of the task. In one neighborhood, a few citizens began to provide food to feed the people.

In November 1981 a group of religious and business leaders and mental health professionals formed the Philadelphia Committee for the Homeless. Initially the group served as a gadfly to goad the city government into opening a shelter. During bitter cold days of January 1982, city officials realized that the homeless were in danger of freezing to death, and thus they opened a temporary shelter. Anthony Arce, M.D., and his team studied 193 street people who were admitted to the Adult Emergency Shelter during its eight weeks of operation [see "A Psychiatric Profile of Street People Admitted to an Emergency Shelter" on page 812 of this issue].

In March 1982 the Philadelphia committee sponsored a conference on the homeless, bringing together for the first time city officials, staffs of church-sponsored and private shelters, and concerned citizens. Representatives of shelter programs from other cities were invited to describe model programs. This conference forced city officials to offer contracts for shelter facilities.

Three new facilities opened in November 1982, including a 60-bed drop-in shelter, a smaller, five-day center for medical and psychiatric evaluation, and a psychiatric boarding home. A large lounge was provided at the drop-in shelter for up to 175 people to sit up all night; nevertheless, 30 to 50 still line up at the door daily, unable to enter.

During the winter of 1982–83 the committee trained 120 volunteers to prepare and distribute food and clothing to street people and to guide them to shelters. Volunteers carried knapsacks with sandwiches and thermos bottles of hot soup, and fed people in the streets and on subways. A private foundation grant enabled the committee to hire a part-time coordinator of this "mobile outreach program." The committee solicited contributions of food and soup from private citizens and food companies, and several restaurants contributed leftovers. The food was prepared in churches, and one church lent a van to transport the street workers to their posts. Newspaper advertisements and television appeals also brought in contributions to aid the street people.

The Philadelphia committee sponsored a follow-up conference in April 1983. Progress reports from the government and the private sector were presented to assess needs and goals for the future. Advocates for

better programs in Philadelphia have not yet resorted to court action to bring about a response from the city as was done in New York City. The committee is studying the feasibility of opening another private shelter.

In April 1982 the National Coalition for the Homeless was formed at a national conference on the homeless, held in Boston, that drew more than 175 participants. With headquarters in New York, the coalition serves as a clearing-house for information about the nation's homeless and about successful shelter models for social services agencies, church groups, community shelters, and private charities in 20 cities. It publishes a newsletter, *Safety Network*, and also provides legal assistance to advocates.

On December 15, 1982, the House of Representatives subcommittee on housing and community development of the Committee on Banking, Finance, and Urban Affairs held a public hearing on "Homelessness in America," chaired by Representative Henry B. Gonzalez, (D-Tex). Gonzalez pointed out that Congress had not examined the phenomenon "since its hearings on migrating workers in the Great Depression." He said, "we do not really know the extent of homelessness in America."

The witnesses included representatives of the Salvation Army, the National Coalition for the Homeless, and the Community for Creative Nonviolence; directors of shelters; mayors of cities; and several homeless people. The committee requested information about existing community resources, about volunteer efforts, and about what the federal response should be. The House Committee on Appropriations had already approved a $50 million emergency program to be administered by the Federal Emergency Management Agency to provide aid to community shelter organizations. Although the proposal passed the House, it failed to pass the Senate. Nevertheless the hearing produced a national perspective on the homeless, and the published testimony contains valuable information (16).

At the June 1983 annual meeting of the Mental Health Association of Southeastern Pennsylvania, panel presentations focused on the impact of unemployment on mental health. This fall the National Mental Health Association's commission on the mental health aspects of unemployment is slated to hold public hearings in Philadelphia about such issues as the current recession and its effect on demands for mental health services, the increase in child and spouse abuse, and the corporate and public sector response to the problems of unemployment and the plight of the homeless. Former Health and Human Services Secretary Patricia R. Harris will chair the hearings. Recommendations for public policy are expected to be made in a report by the commission.

Thus the insane on the streets of American cities, now visible in numbers never before seen in this century, may once again arouse Americans to reassess and improve their care of the mentally ill.●

SALVADORAN DEATH SQUADS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. RICHARDSON. Mr. Speaker, I am deeply disturbed by recent reports that right-wing groups backed by the Salvadoran Government are waging a campaign of terror against Centrist union groups in El Salvador. Three union members have already been killed by unidentified assailants and five directors of the country's largest labor organizations have received death threats. Salvadoran President Roberto D'Aubuisson recently accused leading labor organizer, Samuel Maldonado, of having strong ties to the left. Maldonado has since fled the country in fear of his life.

Furthermore, I am also deeply concerned that the Salvadoran Government continues to drag its feet on land reform initiatives and on bringing the murderers of four U.S. churchwomen to justice.

Mr. Speaker, the people in El Salvador and throughout Central America have long viewed right-wing oppressors as puppets of American interests. Our current policies of backing a regime that apparently rejects the need for progressive land reform and the establishment of law and order does little to dispel these beliefs.

I am strongly opposed to the spread of Marxist power in Central America. However, I do not feel that we can solve the political problems in El Salvador merely with U.S. military might. Any further assistance to the Salvadoran Government must be conditioned on their willingness to open negotiations with all parties and to permit progressive Centrist groups to participate in the decisionmaking process.

If the moderate voices in El Salvador calling for land reform and the establishment of democratic institutions are silenced by death squads, our goal to establish a free and independent El Salvador will be doomed.●

WASHINGTON POST EDITORIALIZES ON WHY NATO MODERNIZATION MUST PROCEED ON SCHEDULE

HON. JACK KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. KEMP. Mr. Speaker, in July of this year, I had the opportunity to travel to the Soviet Union as part of a congressional delegation, headed by our colleague TOM FOLEY, to meet with members of the Supreme Soviet. In all of our meetings the Soviets repeatedly emphasized arms control issues—although clearly their concerns rest with stopping deployment of our arms, not cutting back on theirs. I believe their foremost objective right now is stopping deployment of the Pershing II and GLCM in Western Europe. Even Soviet officials whose duties have nothing whatsoever to do with military issues returned repeatedly to this theme.

I discern a twofold Soviet strategy to prevent NATO modernization. First, I heard repeated again and again the threat that if we proceed with modernizing NATO forces to counter the Soviets' enormous SS-20 force—360 launchers, three warheads each, each reloadable and mobile—then the Soviets would respond in some undefined way. Scare tactics of this sort backfired in the West German and British elections, where those who are knowledgeable about the Soviet Union understand that such threats are Soviet bluster to cover up what the Soviet leadership has decided to do anyway. But threatening talk does provide fodder for peace demonstrations, and so its propaganda value should not be discounted.

Second, many Soviet officials during our visit argued that there is nothing sacrosanct about a December deployment deadline: why not delay deployment to give the INF talks more time? In other words, if they cannot scare us into not proceeding with deployment, they want to stall.

And as December grows near, more and more well-intentioned people in the West are urging that deployment be delayed. Even some Members of Congress usually considered supportive of a strong defense, such as Senator JOHN GLENN, have taken up this call.

An outstanding editorial in Sunday's Washington Post succinctly sets forth the case why the United States should not defer deployment. As the editors write, "It misstates Soviet purpose and will to imagine that the Kremlin, having declined to strike a bargain in 4 years, will do so if it has 6 months more." I agree. And I also believe with the Post that the important thing now is to keep calm in the coming deployment storm.

The ability of the free world to maintain that calm is enhanced by able and responsible editorials such as that in Sunday's Washington Post.

I believe that our only hope for an arms control agreement that will contribute to the peace and stability of Europe is to proceed as planned with INF deployment. Only then will the Soviets be convinced of our determination, and be persuaded that an arms control agreement is in our mutual interest. Let's keep calm.

I ask that Sunday's Washington Post editorial be printed in the CONGRESSIONAL RECORD.

The article follows:

DEFER DEPLOYMENT?

Defer deployment of new American missiles in Europe, anxious voices say, to give Moscow time and room to back off its threat to counter with new deployments of its own. But it misstates Soviet purpose and will to imagine that the Kremlin, having declined

to strike a bargain in four years, will do so if it has six months more.

Go back a bit. Well into the 1970s, the nuclear equation in Europe satisfied both sides. In 1977, the Soviets unilaterally altered it. Unprovoked, they started deploying accurate mobile SS20s. At once the Europeans recognized the Soviet intent to intimidate them with a powerful new nuclear threat for which the United States had no regional match. They asked Washington to counter it and, meanwhile, to try to induce the Soviets to eliminate their SS20s or at least to build down to an agreed level to which the Americans would build up.

This the Soviets have steadfastly refused to do. In the four years since NATO thus spoke, they have deployed one new triple-warheaded SS20 a week against Europe—every week. The "balance" they now seek is essentially between British and French missiles and their SS20s: the United States would in effect fold its nuclear umbrella over Europe.

The issue is not military, since too many missiles already exist on both sides, but political, a question of allied confidence. The allies—all of them—understand it perfectly, though their "peace movements" do not.

The Soviets complain when Ronald Reagan trolls in Eastern Europe, but what they have done in Western Europe is more adventurous many times over. They were wrong to think they could panic Western publics into accepting their design. With American counter-deployments about to begin, they are still at it, promising to quit the INF talks and install "new systems" against both Europe and America.

The closing of the INF forum will make a splash but is not serious, since it was always true that European systems had best be discussed in the broader context of START, which remains open. The new Soviet deployments will make Europeans and perhaps also Americans more nervous, but not nearly so nervous as they both would rightly have been if Moscow had been able to split the alliance.

Mr. Reagan has not handled the INF talks especially well, starting late, scaring his partners and putting down his cards erratically. Still, the important thing now is to keep calm in the coming deployment storm.

If the Kremlin is as concerned as it says it is to be facing missiles that could reach Moscow (if their range was extended) in eight to 10 minutes, then it can still make an 11th-hour offer. Otherwise, the new American deployments should be steady but slow, so as not to force the pace. Planning should start at once to include British and French forces in American strategic considerations at START.●

WEATHER SATELLITES

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DASCHLE. Mr. Speaker, yesterday, by a vote of 377 to 28, the House went very strongly on record in opposition to any attempts to transfer this country's civil weather satellites and land natural resource satellites (Landsat) to the private sector. The resolution which was passed (H. Con. Res. 168) is one which was I privileged to cosponsor, and one which has my full support.

This has been a long ongoing controversy. Since the administration first proposed such a transfer in March of this year, it has been almost impossible to find anyone, outside of the administration and certain special interests which would profit from this transfer, who supports it. Two months ago, the Senate passed a prohibition on any further action on this proposal by a unanimous voice vote. The recent NASA authorization for 1984 (Public Law 98-52) clearly prohibited such a transfer. Every authorizing committee and subcommittee in both the House and the Senate has indicated, in every way they possibly could, that they are opposed to this transfer.

Still, however, like a bad penny that keeps returning, progress on this proposal keeps advancing. The administration, even now, is conducting a solicitation for proposals to purchase the weather and Landsat statellites, and still projects that it will make a selection of winning bids in May of this year.

This controversy is more than an abstract philosophical argument to me. I have had firsthand experience in viewing the operations of one of the land-based support facilities that the administration proposes to remove from our information gathering and dissemination network. This is the EROS Data Center, located outside of Sioux Falls, S. Dak. The development of the Landsat information which is conducted in this data center provides invaluable information on the possibilities of the development of natural resources and the agricultural environment of our country. To cavalierly toss this information gathering equipment to the private sector at a monetary loss to the taxpayer makes no sense, especially since it appears, under most of the bids that are in the process of development, that the Federal Government will be in the position of having to buy back from the bidders information that it presently gets from the system that it wants to sell them.

There is no doubt in my mind that there are goods and services which the Federal Government provides which can, in fact, and should be turned over to the private sector, especially when significant savings can be made by the Government through such transfers. However, the vital national interest which the weather and Landsat satellites serve make their function one which is inherently governmental in nature, and one whose transfer to the private sector, especially at a monetary loss to the taxpayer, makes no sense, and should be abandoned.

I welcome the overwhelming vote which supports this position, and sincerely hope that the administration will, in the light of this action, reconsider its perhaps well-intentioned—but mistaken—proposal.●

THE THERAPEUTIC USE OF MARIHUANA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. STOKES. Mr. Speaker, as an orignial cosponsor of H.R. 2282, a bill to make marihuana therapeutically available to persons confronting life-threatening and sense-threatening diseases, I would like to recommend to my colleagues an editorial which was written by Mr. Norman Kaplan of Cleveland, Ohio, on the value of loosening restrictions on marihuana use for cancer and glaucoma victims.

H.R. 2282, introduced by my good friend Congressman STEWART MCKINNEY, provides an effective and humane response to the legitimate medical needs of seriously ill Americans who suffer from these and various other debilitating diseases without altering criminal penalties against the drug's social use.

Mr. Speaker, there are thousands of glaucoma and cancer patients across this country who are suffering from severe emesis stemming from anti-cancer treatments and who do not respond to conventional medications. Evidence shows that a majority of these individuals would enjoy relief from the medical use of marihuana. Moreover, the case for medical use of this drug is continuing to grow.

Thirty-three States have enacted medical marihuana statutes already. However, Federal policy has not adjusted to meet the need. Last year, the States of New Mexico and Michigan enacted resolutions calling on the Congress to eliminate the cumbersome bureaucratic controls which restrict marihuana's availability for medical uses.

H.R. 2282 would not make marihuana available at the local supermarket. It would not allow physicians to prescribe marihuana as freely as other dangerous opiates and barbituates. But it would recognize marihuana's well-established medical value, and adapts Federal law to allow its medical use.

[From the New York Times, Sept. 6, 1983]

ONE MORE STEP FOR MEDICINAL MARIJUANA

To the Editor:

As a cancer researcher who has worked with the marijuana derivative Delta-9-Tetrahydrocannabinol for the past five years, both in its anti-cancer properties and in its anti-nausea properties for patients receiving cancer chemotherapy, I applaud your Aug. 27 editorial "Marijuana and Medicine."

A recent computer search of the medical literature revealed that over 50 articles on the therapeutic uses of the derivative and

its analogues were published in the last three years. I have often commented on the tragic circumstances that in the past allowed this drug with tremendous medical potential to be readily available illegally to the individual on the street while it was difficult, nigh impossible, for the person suffering the ravages of cancer and chemotherapy to obtain.

Nevertheless, both the National Cancer Institute and the National Institute on Drug Abuse have made every effort in recent years to make Delta-9-Tetrahydrocannabinol capsules (Schedule I) available free to those suffering with cancer, and to make it available to researchers like myself working with scientific protocols acceptable to research committees within the state and Federal establishment.

What is needed, as you state, is for the Food and Drug Administration and the Drug Enforcement Administration, under the urging of Congress, the scientific and medical community and the public, to move therapeutic Delta-9-Tetrahydrocannabinol from Schedule I (Investigational Experimental Substance) to Schedule II (Controlled Narcotic), which would enable any licensed oncologist, surgeon, opthalmologist, psychiatrist or other physician to prescribe it without excessive regulation or fear of legal liability for use of an "experimental" pharmaceutical.

For responsible medical researchers, the substance has been and remains available; the problem is to ease the bureaucratic tangle that makes it difficult for physicians to order it and supply it to their patients.

NORMAN CHARLES KAPLAN,
Shaker Heights, Ohio, Aug. 27, 1983.

[The writer is president of Calcol Inc., a medical and scientific research and consulting firm.]●

RECOMMENDATIONS OF ADVISORY COUNCIL ON CONTINUING EDUCATION

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DEWINE. Mr. Speaker, the National Advisory Council on Continuing Education report was brought to my attention by my constituent, Richard Brinkman, president emeritus of Clark Technical College in Springfield, Ohio, a member of the National Advisory Council on Continuing Education, and a prominent figure in education in Ohio for the past 30 years. The Advisory Council, on which Dick serves, is a Presidentially appointed body authorized by Congress in the Higher Education Act of 1965. The Council's task is to advise the President, the Congress, and the Secretary of Education on Federal policies relating to the education and training of adults at the postsecondary level of instruction.

This report advised that there are 23 million American adults who are functionally illiterate. The Advisory Council's report also concludes that there are the same number of Americans who are formally engaged in continuing their education. The majority of these men and women cite job and career-related reasons for continuing their education, as well as their private interest in enriching their lives.

I believe it is important for us to pay particular attention to the Council's five recommendations which specifically address the problems of dislocated workers; the collection and dissemination of data and information; private sector support for institution-based research and development; the role of the Department of Education in continuing education and human resource development; and the need to inform and educate the general public to the trends cited by the Council in its report. The following are the Advisory Council's recommendations:

RECOMMENDATIONS OF THE NATIONAL ADVISORY COUNCIL ON CONTINUING EDUCATION

1. DISLOCATED WORKERS

The Congressional Budget Office reports that as many as 2.1 million workers, or twenty percent of the unemployed, may be permanently dislocated from their jobs during 1983 as a result of structural changes in the economy—even as the economy improves.

Title III of the Job Training Partnership Act provides limited federal funds for federal-state-local joint efforts to identify these workers and to retrain them for employment. Educators and employers are directly involved in this program.

The collaborative efforts sought by the Job Training Partnership Act put into practice one of the basic assumptions of the Council regarding effective continuing education and training for workers: that it is best done at state and local levels, where training resources and jobs are most readily available; and that a proper role for the federal government is to encourage and supplement these activities, as appropriate, to enhance grassroots resolutions to national problems.

The Council commends the objectives of this Administration-backed effort and recommends to Congress that the President's request for increased funding in fiscal year 1984 for Title III of the Job Training Partnership Act be approved.

To supplement the objectives of this legislation and to further collaborative federal-state efforts to help unemployed and dislocated workers, the Council also recommends that legislation be approved to give states more flexibility to use part of state unemployment insurance tax revenues to pay for training, job search, and relocation for unemployed workers eligible for unemployment compensation under state law.

2. DATA AND INFORMATION

Effective planning of education and training programs requires current, accurate data about the supply and demand for workers and the changing nature of occupational requirements, particularly at the local level.

The federal government has the responsibility for collecting a wide range of economic and labor force data, at the national level, to provide a basis for the development of national policies. However, in the area of education and training, these data become particularly meaningful when they can be applied at the local, operating level.

The Council calls upon federal agencies to examine their data collection, analysis and dissemination activities to determine how these programs can best be reoriented to supplement existing data on the labor market available in states and localities. Because of the critical importance of this issue for the future effectiveness of continuing education and training, the Council proposes to investigate this subject intensively over the next year.

3. RESEARCH AND DEVELOPMENT

The Council views the basic research and development capacity of institutions as crucial to the preparation and deployment of a competent, well-educated and trained workforce.

One-half of the basic research conducted in the United States is sponsored by the Nation's colleges and universities. There is ample evidence to suggest that institutional facilities and laboratories for research and development are often out-dated, underfunded, and fallen into disrepair.

State-of-the-art equipment, laboratories, and related hard and software resources are critical to American research and development activities. The quality of academic curricula and training depends upon them and they are crucial to helping institutions develop new delivery systems that can use and serve emerging technologies and industries.

If postsecondary institutions are expected to train and retrain workers to master these technologies and fill the jobs created by these expanding industries, their curricula and training programs must have access to and support from private sector enterprises.

The Council recommends that the Administration and Congress explore further the options provided by the U.S. Tax Code as an instrument to encourage the private sector to commit more of its money, manpower, and technical resources to institution-based R&D activities.

The federal government has a record of various efforts to provide incentives to the private sector to collaborate more closely with postsecondary institutions on matters of mutual concern. It would be wise to assess the effectiveness of that record—its past successes and failures—while in the process of exploring any new federal effort.

4. THE U.S. DEPARTMENT OF EDUCATION

The Secretary of Education has moved ahead to draw national attention to the need to reform American education. His office is the key policy-making office on education matters for the federal government; through it, the federal government can convey to the American people what it perceives are educational issues of national importance.

The Council believes that it is appropriate for the Department to assume a leading role in developing policy directions for retraining the Nation's workforce. The educational reform that is sought may depend, in part, on the potential of post-secondary institutions to serve the Nation for this retraining purpose.

To further that end, the Department of Education should have the capacity for:

(a) Leadership in relating college-sponsored continuing education to the needs of the Nation's workforce;

(b) Policy analysis and program development in consultation with other agencies, especially the Department of Labor and the Department of Commerce;

(c) Support of exemplary projects, based on local initiatives, which can clarify, develop and enlarge the postsecondary contribution to worker training and retraining; and

(d) Research and dissemination activities which can expand understanding of the relevance of college-sponsored continuing edu-

cation to workforce needs and provide information about effective programs.

The Council believes that the Department has a special opportunity to act as a catalyst and as a source of leadership within the federal government on broad, multi-agency policy initiatives for human resource development.

5. AMERICAN ATTITUDES TOWARD WORK, EDUCATION AND TRAINING

Americans and their families are confronted by unprecedented demographic, technological and economic changes. Many do not understand what is happening. The loss of a job and salary is a catastrophic event to any wage earner, and any prolonged threat to that job and to the jobs of others has grave consequences for the stability of the American workforce.

Specific actions to improve the economic climate and to provide additional education and training opportunities to workers by federal, state and local governments, by employers and unions, by academic, community and other agencies are needed. These actions may not be enough, however, if workers themselves are essentially ill-informed about the changes sweeping over them.

Persistent—even dramatic—initiatives are needed to alert workers and the American public generally to the implications of these historic changes and to enlighten them about the renewed importance of further education and training, if workers are to hold on to jobs and to compete for new jobs.

The federal government has unparalleled resources and capacity for leadership in this area. It is the recommendation of the Council that the Administration and the Congress exercise this leadership now and that the President marshal the resources of federal agencies to alert, inform and help prepare workers for the likelihood of more changes to come.

In concluding this report, the Council realizes that there are many more issues to be examined, many more concrete steps to be taken. It is the Council's intention in the year ahead to further explore the issues it has raised in this report and to undertake a reexamination of the Higher Education Act and other federal laws with these issues in mind.

The Council will focus specifically on the provisions of the various student aid programs of the Act and give special consideration to title I, the only federal legislation focussing exclusively on continuing education for adults. The Council will also review institutional development of library resources, linkages between institutions and the business world, and international studies and foreign language instruction as an aid to institutional responses to the challenges of a world economy.

The Council is indebted to the many individuals and agencies that expressed concern for the Council's work and who contributed to it. In the year ahead, the Council would welcome the opportunity to solicit their views again.

MANDATE—NATIONAL ADVISORY COUNCIL ON CONTINUING EDUCATION

Sec. 117. (a) The President shall appoint a National Advisory Council on Continuing Education consisting of eight representatives of Federal agencies having postsecondary continuing education and training responsibilities, including but not limited to, one representative each from the Departments of Education, Agriculture, Defense, and Labor, and the Veterans' Administration; and twelve members, not full-time employees of the Federal Government, who are knowledgeable and experienced in the field of continuing education, including State and local government officials, representatives of business, and labor, and community groups, and adults whose educational needs have been inadequately served. The Advisory Council shall meet at the call of the chairman but not less than twice a year.

(b) The Advisory Council shall advise the Secretary in the preparation of general regulations and with respect to policies and procedures arising in the administration of this title.

(c) The Advisory Council shall examine all federally supported continuing education and training programs and make recommendations with regard to policies to eliminate duplication and to effectuate the coordination of programs under this title and other federally funded continuing education and training programs and services.

(d) The Advisory Council shall make annual reports to the President, the Congress, and the Secretary commencing on September 30, 1981, of its findings and recommendations, including recommendations for changes in the provisions of this title and other Federal laws relating to continuing education and training activities. The President shall transmit each such reports to the Congress with his comments and recommendations. The Advisory Council shall make such other reports or recommendations to the President, the Congress, the Secretary, or the head of any other Federal department or agency as may be appropriate.

(e) The Advisory Council may utilize the services and facilities of any agency of the Federal Government as may be necessary. The Advisory Council may accept, employ, and dispose of gifts or bequests to carry out its responsibilities under this title.

(The Higher Education Act of 1965, as amended.)●

ORAFLEX—THE LILLY SIDE OF THE STORY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BURTON of Indiana. Mr. Speaker, as a member of the Committee on Government Operations, I signed dissenting views to the report, entitled "Deficiencies in FDA's Regulation of the New Drug 'Oraflex.'"

I would like to share with my colleagues, a letter written to members of the Subcommittee on Intergovernmental Relations and Human Resources from Edgar G. Davis, vice president of corporate affairs for Eli Lilly and Co. The letter accurately and thoroughly explains the faults which many have found with the report.

The letter follows:

ELI LILLY & Co.,
Indianapolis, Ind., November 3, 1983.

Hon. TED S. WEISS,
2442 Rayburn House Office Building,
Washington, D.C. 20515

DEAR MR. WEISS: Eli Lilly and Company is deeply concerned about the report, entitled "Deficiencies in FDA's Regulation of the New Drug 'Oraflex,'" that was issued yesterday by the Committee on Government Operations. The report questions the integrity of Lilly and charges that the company improperly withheld information from the Food and Drug Administration. Lilly believes that its actions were in accordance with FDA regulations, sound medical judgment, and current industry practice.

When former Congressman L. H. Fountain opened the subcommittee hearings on which the report is based on August 3, 1982, he made clear that their purpose was to investigate "the manner in which FDA is administering the law" and that the subcommittee had no interest in "investigating the operations of drug manufacturers" or "expressing judgments on pharmaceutical firms or their products" (hearing record, pp. 2-3). Yet the end result is a report that constitutes a virtual indictment of two individual manufacturers, based on a series of detailed allegations that have never been tested against all available information.

The final report, moreover, ranges far beyond the subject matter of the hearings, which were held nearly fifteen months ago. It is in large part devoted to allegations that Lilly did not report adverse reactions associated with use of Oraflex overseas prior to its approval in this country.

Yet there was no discussion whatever of those charges in the hearings held last year.

The report is, in substance, a subcommittee staff report. The Congressman who chaired the subcommittee during its hearings in 1982 has retired. None of the Congressmen who served on the subcommittee during the 1982 hearings is on the current subcommittee. We note that one Committee member who was a member of the subcommittee and participated in the hearings last year has chosen to file additional views that question significant findings in the report, as well as the process by which it was adopted.

The report makes three principal charges involving Lilly: first, that the company did not abide by a legal obligation to submit reports to FDA of foreign adverse reactions that occurred prior to U.S. approval of Oraflex; second, that the company was informed weeks or months before U.S. approval of the drug of the occurrence overseas of a new and significant form of liver-kidney reaction but failed to report that information to FDA until several weeks after the drug was approved; and third, that the company made untimely or incomplete reports of adverse reactions that occurred in clinical studies in this country prior to the approval of the drug and that this reporting failure, as well as the failure to report adverse reactions that occurred overseas, "prevented FDA from fully assessing the drug's risks prior to its approval." None of these charges is supported by the facts.

The report incorrectly claims that FDA regulations required Lilly to report adverse drug reactions associated with commercial marketing overseas prior to U.S. approval of the drug. In fact, no federal statute or regulation required such reports to be made.

The Committee report suggests that FDA regulations unambiguously require pharmaceutical manufacturers to make reports of adverse reactions associated with foreign commercial use of a drug that is under investigation in the United States. The report quotes selectively from an FDA regulation (21 C.F.R. § 312.1(a)(6)) that requires prompt reports of "any finding" associated with use of an investigational drug that may suggest "significant hazards, contraindications, side effects, and precautions pertinent

to the safety of the drug." When read in context, however, this requirement clearly applies only to findings that result from clinical studies carried out under the regulation.

In the twenty years since this regulation was issued, FDA has never advised pharmaceutical manufacturers that it requires reports concerning reactions associated with foreign commercial use. Since the Oraflex matter arose, FDA has taken several steps that clearly suggest that the regulation does not impose such a requirement. First, on October 19, 1982, FDA proposed amendments to its regulations governing New Drug Applications that would require periodic safety updates while an application was pending. Second, on June 9, 1983, the agency proposed amendments to its investigational new drug regulations that would require reports concerning experience from foreign commercial use while a drug is under investigation in this country. And finally, in at least one letter preceding approval of a new drug earlier this year, FDA specifically requested an update on experience from foreign commercial marketing that had occurred while the application was pending—a request that would have been unnecessary if such reports were required by the agency's regulations.

Although it calls on FDA to "enforce" its requirements for reporting foreign adverse reactions, the Committee report itself tacitly acknowledges that such requirements are not currently in effect. Thus, the report states (at page 33) that "FDA has no established procedures for obtaining foreign adverse reaction data for drugs under investigation in the United States which are already marketed in other countries." It concedes that this lack of procedures is not simply an oversight, since the Commissioner of FDA, in testimony to the subcommittee, said that FDA's "files would literally explode" were the agency "to solicit all adverse reactions on all drugs from all countries that have such information' " (report at page 33). In fact, the report acknowledges (at page 15) that Lilly's reporting with respect to Oraflex "appeared consistent with current industry practice" but attributed this to ineffective enforcement rather than the lack of a reporting requirement.

Although no FDA regulation required reports of foreign adverse reactions prior to U.S. approval of Oraflex, the company in fact sought information on foreign experience with the drug.

The Committee report suggests that a Belfast geriatrician, Dr. Hugh Taggart, provided Lilly with detailed information on the occurrence of unusual, fatal, liver-kidney reactions in elderly women in Northern Ireland weeks, or even months, before Oraflex was approved in the United States. The report suggests that Lilly did not take appropriate action in response to Dr. Taggart's warnings. The facts, however, are to the contrary.

Dr. Taggart did not, in fact, approach Lilly. A representative of the company's British affiliate (Dista) met with him by chance at the Belfast City Hospital, learned that he had encountered adverse reactions in patients receiving the drug, and furnished him with copies of the company's adverse reaction report forms. Initially, Dr. Taggart reported only two of the six cases known to him, although all had occurred by the time Dista's representative first approached him (some of them more than six months before Dr. Taggart reported them to Dista). Dr. Taggart reported three more cases to Dista only after Dista's medical director met with him, and those reports did not reach Dista until mid-April, 1982, at or about the time Oraflex was approved in the United States. Dr. Taggart never submitted a report to Dista on the sixth case. Moreover, although Dr. Taggart had full medical records on all of the patients (including autopsy reports for three), he did not show those records to Dista. By his own admission, in a deposition taken in Belfast on July 4, 1983, Dr. Taggart had mailed a manuscript containing detailed information on his cases to the British Medical Journal several days before he met with the Dista medical director on March 16, 1982. Yet he failed to give the medical director a copy of his manuscript.

The reports that Dr. Taggart did submit to Dista were so sketchy as to be virtually uninterpretable. An expert liver pathologist retained by the plaintiff in a pending product liability action relating to Oraflex has conceded that he could not have recognized the unusual form of liver injury later claimed to be associated with Oraflex without reviewing autopsy and pathology reports, which Dr. Taggart failed to submit to Dista.

Only within the last few days—some twenty months after first requested, and then only in response to an order by the courts in Northern Ireland—has Dr. Taggart produced the records of the patients on whom his British Medical Journal report was based. Lilly has just begun to review them, but it is significant that in one case the contemporaneous autopsy and pathology report stated that the injury that caused death was not likely to be drug-related.

In these circumstances, Lilly's handling of Dr. Taggart's reports cannot properly be faulted. The medical personnel in the company's British affiliate sought to obtain necessary information from Dr. Taggart. The information they had prior to U.S. approval of the drug did not warrant special medical concern, and it was not reported to the company's Indianapolis headquarters. The first detailed information became available to the company on May 6, 1982, when Lilly received a preprint of Dr. Taggart's report from the British Medical Journal. Lilly promptly reported this information to FDA.

Even after the British Medical Journal report appeared, FDA and its independent medical advisors remained unclear as to its significance. On may 20, 1982, Lilly submitted to FDA revised labeling for Oraflex that included information about the Taggart report; but, as FDA officials acknowledged in the subcommittee hearings (at page 124), the agency asked Lilly to delay such action until FDA's Arthritis Advisory Committee could review and consider the general question of liver injury associated with other nonsteroidal anti-inflammatory drugs in addition to Oraflex. At the advisory committee's meeting on June 3–4, 1982, FDA's consultants were puzzled by Dr. Taggart's report and unclear as to its medical significance. In light of these events, it is simply not reasonable to contend that medical personnel at Dista should have recognized an unusual or significant medical problem based on the sketchy and incomplete reports they received from Dr. Taggart.

The Committee report also charges that Lilly did not make required reports of reactions that occurred in the U.S. clinical studies of Oraflex. This charge stems principally from internal FDA memorandums, especially memorandums by a former FDA investigator, that were disclosed in the subcommittee's hearings in 1982. The key memorandum, which was printed at pages 76–84 of the subcommittee's own hearing record, was rebutted point by point in a submission made by the company to FDA on September 16, 1982. That submission was not printed in the hearing record and is not mentioned in the Committee report. Documents in the hearing record show, moreover, that FDA officials accepted Lilly's explanation that the former investigator's memorandum was in error, that the agency was well aware of the adverse reactions in question, and that the information Lilly supposedly withheld would have had no effect on the labeling or approvability of the drug.

The company's September 16, 1982, submission showed that there were serious mistakes and omissions in the former FDA investigator's memorandum that rendered its conclusions incorrect. For example, the former investigator's memorandum accused Lilly of not reporting sixty-five adverse reactions that occurred during the clinical trials; but it neglected to take account of an extensive report of adverse reactions, submitted to FDA three months prior to the date of the investigator's memorandum, that contained reports of the vast majority of the reactions in question.

Moreover, the investigator's memorandum was apparently based on a mistaken interpretation of the FDA regulations governing reporting of adverse reactions in clinical trials. Senior FDA officials testifying at the subcommittee hearing on August 3, 1982, acknowledged that many of the reactions in question were relatively minor and had been encountered with sufficient frequency in the clinical trials that special reports were not required by the regulations (see page 93 of hearing record).

Finally, the former FDA investigator alleged that there were significant differences in the incidence figures for certain adverse reactions in the New Drug Application for Oraflex and in a subsequent report to the investigational new drug file. These differences, he suggested, were evidence of an attempt by Lilly to bias FDA's review of the New Drug Application by understating the incidence figures. Lilly's September 16, 1982, submission showed, however, that the FDA investigator had misread the tables in Lilly's New Drug Application and that the incidence figures for the reactions in question reported in the application were, in fact, much higher than the FDA investigator claimed.

The record of the subcommittee's August 3–4, 1982, hearing demonstrates that FDA's review of Lilly's New Drug Application was not biased by the supposed underreporting of adverse reactions that occurred in the U.S. clinical trials. According to a memorandum prepared by FDA enforcement officials after the agency investigator's memorandum was reviewed, the adverse reactions that it identified had "no effect on the labeling or approvability" of the application (see page 240 of hearing record).

Lilly is confident that it acted responsibly in the Oraflex matter. In many respects, that matter is both medically and legally complex. What is not complex is the fundamental commitment of this company to honest and responsible conduct.

Sincerely,

EDGAR G. DAVIS.●

CHILDREN'S FEARS OF WAR

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MARRIOTT. Mr. Speaker, on September 20, 1983, the Select Committee on Children, Youth, and Families held a hearing on "Children's Fears of War." The hearing record sets forth my views and the views of the minority members regarding this committee work.

Subsequent to the hearing I have received several unsolicited letters. Since these perceptive letters have not been submitted for benefit of the committee record, yet contain informed opinion, I am inserting them in the CONGRESSIONAL RECORD. The letters I am submitting come from Dr. Tony M. Deeths, a physician in Creve Coeur, Mo.; and Edward Zigler, Ph. D., Sterling professor of psychology at Yale University, and director of the Bush Center in Child Development and Social Policy.

I am also inserting a brief article from the Christian Science Monitor, written by John H. Dendahl, a business management consultant who has been actively concerned about nuclear waste disposal in Massachusetts, in the RECORD.

The material follows:

CREVE COEUR, MO.,
October 3, 1983.

Congressman DAN MARRIOTT,
Washington, D.C.

DEAR CONGRESSMAN: Instead of holding hearings on children's fears of war, you should hold hearings on who is manipulating those fears and why.

Last summer my ten year old received a thick letter from President Reagan. She showed me the letter and I was astounded to find that it was a reply to a letter she had written expressing her fear of nuclear war and support of a nuclear weapons freeze.

I was surprised since she had never expressed these feelings to me. I asked her about her letter and found that she had little memory of it and even less idea of what the freeze debate was all about. With further investigation I found that the letter had been written as a classroom project and been mailed from school without any parental input. The "resource material" used is published by a group calling itself "Children Against Nuclear War." There was no other identification and the material was quite polished in its presentation and as such I suspect was produced by adults. I also thought that the material was very one-sided.

I am forty years old and have lived most of my life under the threat of the bomb. When I was in grade school in California we use to have "flash" drills. I do not see that conditions leading to nuclear war are greater than then and wonder why there is such an effort to create fear in our children. I object to the use of my children as political tools. I especially object when it is done by school teachers using my tax money.

I would appreciate your comments on this cynical attempt by adults to influence the political process by creating unreasoned fear in our children.

Sincerely,

TONY M. DEETHS, M.D.

YALE UNIVERSITY,
New Haven, Conn., September 23, 1983.

Hon. DAN MARRIOTT,
House of Representatives,
Longworth Building, Washington, D.C.

DEAR MR. MARRIOTT: In my view the hearings last week on children's reactions to the nuclear threat was a misguided effort. The knowledge base in this area is much too thin to illuminate much of anything. I cannot for the life of me imagine what constructive purpose such hearings could serve. I have transmitted these views directly to George Miller.

American's children and their families continue to be confronted with many problems which merit the concern of the Committee on Children and Families. It is important that the nation know that the Republican members of the Committee feel just as deeply about child and family issues as do the members of the Democratic party. I continue to hope that the members of the Committee can put aside partisan party politics and join ranks in dealing with children and family issues. I would be delighted to help you in any way I can in fulfilling your function as ranking minority member of this Committee. My expertise, as well as the resources of Yale's Bush Center in Child Development and Social Policy, are at your disposal.

Sincerely,

EDWARD ZIGLER,
Sterling Professor of Psychology.

[From the Christian Science Monitor, Oct. 17, 1983]

NUCLEAR ARMS AND CHILDREN

(By John H. Dendahl)

A very disturbing element in the public dialogue about nuclear weapons and disarmament has nothing to do with legitimate differences of opinion over survivability, military strategy, or international relations. The element to which I refer is the cultivation and exploitation of fear among schoolchildren.

We have now had what one reporter described as "a moving special meeting in the [US] House of Representatives" where children told of their fears of war. The concluding sentence of the story was the quoted statement of an 11-year-old girl from Iowa. "It's scary to think about the world being destroyed and nothing is left."

Reading that, I thought back to my perspective of the same subject at age 11, when the "police action" in Korea began and I was growing up in Santa Fe, N.M. If I looked out my bedroom window at night, I could see clearly the lights of the atomic laboratory at Los Alamos spread across the darkened mountains nearby.

Relations with the Soviets were at least as belligerent then as now. I took it as obvious that Los Alamos must be the top-priority target of the Soviets when they decided to attack, and believed that all I knew and loved would cease to be. Many were the nights when I wondered if the sound of a nearby plane was telling me that the end was near. That, as the Iowa child testified, was scary.

It still is. But so are a lot of other things I learned about later, like pogroms, Dachau, the Cultural Revolution, and the Soviet gulags.

Abhorrence of war and fear of its consequences are normal for children who are properly informed by their education. What I find upsetting in 1983 is schoolroom access to your children and mine by those who would nourish their concerns and fears with propaganda.

One outspoken advocate of disarmament, a former pediatrician, often appeals to adult audiences to "learn from the little ones." Perhaps to be sure that the little ones have something to teach, her organization has helped lead an effort to provide school courses on the supposed effects of nuclear war.

If it were the purpose of these courses to provide a balanced view of war and its horrors, alongside some of the horrors over which reasonable people might choose war, one might praise the effort.

One gets the impression, however, that the children are led almost without fail to a conclusion that war is simply an unthinkable alternative and, by the way, that resources are being wrongfully diverted to defense from other, more socially "enlightened," purposes. Creation of numbing fear seems to be the purpose and, sadly, production of young actors to advance a particular view of public policy seems to be the goal.●

POSSIBLE CONSEQUENCES OF H.R. 1510

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. EVANS of Illinois. Mr. Speaker, Members of this body recently received a letter from the national executive director of the League of United Latin American Citizens (LULAC) regarding H.R. 1510, the Simpson-Mazzoli immigration reform legislation.

I would like to bring this letter once again to the attention of my colleagues. LULAC's executive director, Arnoldo S. Torres, expresses the concerns and dissatisfaction with major provisions in the bill and explains the circumstances leading to House Speaker O'NEILL's decision not to act on this bill in 1983.

In order to correctly understand the possible consequences of H.R. 1510, it is necessary to review its shortcomings. Mr. Torres reminds us of these and also reminds us that the measures we take to accomplish needed reforms of U.S. immigration and refugee policy must be fair and not provide the opportunity for flagrant violations of civil rights.

I urge Members to review Mr. Torres' letter.

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, D.C., October 24, 1983.

DEAR MEMBER OF CONGRESS: On behalf of the League of United Latin American Citizens (LULAC), this nation's oldest and largest Hispanic organization, I write to you regarding both recent developments on H.R. 1510, the House version of the Immigration Reform and Control Act, and LULAC's perspective on the recent turn of events sur-

rounding this legislation. In addition, we have enclosed an issues paper discussing the various problems we see with H.R. 1510.

As you well know, the House leadership has postponed further action on H.R. 1510. After three years of working through the legislative process in coalition with the Congressional Hispanic and Black Caucuses, civil rights advocates and church groups to bring about fair, effective and non-discriminatory immigration and refugee reform, we were very pleased to hear House Speaker Tip O'Neill's decision not to move on H.R. 1510. We have long been concerned with this bill for we do not regard it as being fair, effective, and non-discriminatory.

The House Speaker's decision was courageous and should be applauded. While many have accused the Speaker of playing politics and stifling the legislative process, we firmly believe that had the bill come to the House floor, there would have been such acrimony and animosity between members that more harm than good would have come from such a display. This environment clearly would not have been conducive to the passage of effective public policy.

Other factors which had to be considered had the bill come to the House floor, were that various committees which had sequential referral of this bill and had reported out committee versions, could not find any ground for agreement on how to proceed with this bill on the floor. Despite efforts to work out arrangements so as to have a general consensus on floor action, the differences and interests of the committees were so wide and varied that no progress could be achieved. In addition, the Speaker was also well aware of the letter by U.S. Attorney General William French Smith to House Judiciary Committee Chairman Peter Rodino in which the Attorney General made it very clear that the House version of the bill "is not in accord with the program of the President," and "the Administration cannot support" the legislation. Further, the letter went on to object to the estimated cost of the House version and to and overly generous legalization program. Also we found the Attorney's statement appearing in a wire story of October 6, 1983, that the bill was going too far in protecting the civil rights of permanent-resident aliens living legally in the United States, to be extremely disturbing.

While some would argue that the Speaker should have presented these facts as leading to his decision to withdraw the bill, and not invoked such a partisan line, it does not negate these realities, nor lessen their importance. Had this bill come forward with such controversy, divisiveness and lack of the necessary Congressional support, it clearly would not have resulted in any positive benefits for any one group or for this country.

This scenario does not and should not stop us from designing fair, effective, and non-discriminatory reform legislation of U.S. immigration and refuge policy. However, after two years of attempting to pass poor public policy perhaps we should step away from such an approach and examine the possibility of proceeding with phased-in legislation. In other words, LULAC would be interested in exploring the establishment of a legislative mechanism or agreement in which over a three or four year period we address specific aspects of the immigration and refugee issue which would result in a final product of comprehensive reform. Legislation such as H.R. 1510 is so complex and controversial that too many competing interests cannot agree on how to be more productive to develop sound public policy; one which has short term as well as long term goals in its design and implementation in addressing immigration and refugee matters.

We in LULAC feel compelled in bringing to your attention the fact that we are totally committed to enacting legislation, reforming U.S. immigration and refugee policy. However, H.R. 1510 is not, and has never been fair, effective and nondiscriminatory. We have attached an editorial which clearly states our reasons for consistently opposing this legislative proposal. We are very upset that our position on this issue has been purposely misrepresneted by some extremist proponents of this bill, we call to your attention that the League is 54 years old, founded in 1929, with over 110,000 members in 43 states. We are not a nationalist group, nor are we for an open border with uncontrollable passage. Rather, we are committed to the enactment of sound public policy which truly deals with the short and long term factors and consequences of immigration and refugee flows to this country. Any other standard simply creates more problems than benefits. Also, we do not profess to claim that there is perfect legislation; however, the effort to pass the best legislation we can should be a priority and standard. We believe our suggested approach of phasing in certain legislative components over a period of time should be the manner in which we proceed. We stand ready to work with each and everyone of you to realize such a legislative package as soon as possible.

In closing, we do not regard the recent actions by extremist groups and the House Republican leadership to circulate a discharge petition to be conductive to developing good legislation. Rather, it serves to only further divide us from effectively working together, which is a must if we are to effectively deal with this ever-growing, complex matter. We hope that such actions can be minimized and that we can expedite the start of our collective effort.

Respectfully,

ARNOLDO S. TORRES,
National Executive Director.

[From the Los Angeles Times, June 14, 1983]

THE FLAW IN U.S. IMMIGRATION REFORM—LATINOS VIEW IT AS FAILURE TO DEAL WITH FUNDAMENTAL PROBLEMS

(By Arnoldo S. Torres)

Those of us in the Latino-American community who were intricately involved in immigration reform had a dual goal: the achievement of good and sound public policy, through legislation that would not cause major difficulties for Latinos.

The so-called Simpson-Mazzoli bill is flawed on both points; it expresses Congress' overriding concern to address population movement into this country with little thought to effectiveness or consequences. When Simpson-Mazzoli emerged from the Senate last month with no improvement, the extremely disturbing message from Congress seemed to be that "something is better than nothing."

Unfortunately, that something fails to put into place a foundation for dealing with the fundamental problem of illegal immigration: *why* record numbers of people are attempting to enter the United States.

Proponents of this legislation, now bound for action by the House, contend that we must regain control of our borders and that we must stop the hiring of undocumented workers. These are reasonable and proper objectives, which we support conceptually. However, it is simplistic and unrealistic to assume that an attempt to accomplish these objectives alone will effectively decrease or stop the human flow to our shores. If there is to be true immigration reform, there must be true reform of immigration policy. This would require Congress to deal with the question of why our government welcomes people who are fleeing communism and systematically rejects people who are fleeing oppressive right-wing regimes that we are supporting. Even Congress' limited objective will not be met unless it mandates an improvement in the workings of the Immigration and Naturalization Service, and better cooperation between the INS and the State Department.

As Simpson-Mazzoli moved through the Senate, advocates of immigration reform were dismayed by the ignorance and offhand attitude of a number of senators and their aides. Many saw it as a problem that had arisen in the last decade, and felt sure that this bill would readily put a stop to it. They seemed unaware of our government's long history of encouraging and stimulating the flow of willing cheap labor from Mexico.

On three occasions Congress has enacted legislation establishing temporary guest-worker programs to feed the insatiable appetites of America's agricultural industry. This conveyed the message to Mexican nationals that they were welcome here and would find employment sanctioned by the U.S. government. These guest-worker programs created a relationship between the two countries in which the population movement across borders was mutually beneficial. U.S. growers and consumers prospered due to cheap labor costs, while Mexico was provided what some refer to as a "safety valve."

This relationship became the norm even after the temporary programs officially ended. In the last two decades it was joined by major population movements triggered by sociopolitical conditions reaching a crisis point in other underdeveloped and developing countries.

These migrations have been long developing. They are the product of many decades of poverty, injustice, neglect and poor government in the Western Hemisphere—conditions that are strongly associated with U.S. foreign policy in the region.

Throughout this century our government has followed a policy of supporting any foreign government that is "friendly" to American objectives, regardless of the inequities and abuses that these governments have foisted on their people. After decades of such treatment, after decades and generations of unrelieved poverty and injustice, the people in these countries have begun to seek political and economic refuge in our country. Most recently they have come, in massive numbers and with extraordinary difficulty, from El Salvador, Nicaragua, Guatemala, Haiti and Cuba. The irony is that they are fleeing problems in their homelands that reflect the shortcomings of U.S. foreign policy and the neglect, ignorance and selfishness with which we have treated the Caribbean and Latin America—our "backyard," as our highest policymakers revealingly call this region.

These movements of desperate people will continue and increase as these countries become poorer and as U.S. foreign policy continues to foster an environment of political instability and economic stagnation. So

it is foolish to presume that Simpson-Mazzoli will have a substantial effect on this situation. Unless we confront the real problems, it is false and irresponsible to claim that this legislation is "immigration reform," and that it will stem the flow of undocumented people. Instead, it is Latino-Americans who will suffer the pain because of our physical and linguistic characteristics.

We do not expect perfect legislation. We do want the American public to understand our own government's role in creating situations that now pose serious policy concerns, and that there is no quick-fix legislation that can provide immediate relief. Cross-border immigration is a major issue with deep and complex roots; it requires more patience, honesty, intelligence and pragmatism than Congress has demonstrated. What we need is an overhaul of the Immigration and Nationality Act and true reform of the workings of the Immigration Service and the State Department. We must have a mechanism that will allow us to properly examine the effect of U.S. foreign policy on immigration, and we must have better working relationships with countries that are sending their people to ours.

Finally, we urge a serious assessment of the extent to which, and reasons that, U.S. citizens may be displaced by undocumented workers—and why citizens are not willing to accept certain types of employment.

We regard the above approach as honest and responsible. It does not have the political attraction of claiming to be a quick fix. But neither does it make a whole category of Americans scapegoats and victims of discrimination. Nor does it exploit the desperate emotions of Americans affected by their President's faulty policy.

We—all Americans—know that there is "something better than nothing": sound, realistic, durable and honest public policy. What Congress is offering as "immigration reform and control" is closer to nothing.●

REGULATION AND INCREASED COMPETITION IN FINANCIAL INSTITUTIONS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FLORIO. Mr. Speaker, on July 19, 1983 the subcommittee I chair held hearings on the subject of the increasing competition among financial institutions. It was clear that traditionally distinct financial institutions are moving to provide to the public a complete array of financial services.

Insurance companies are providing brokerage services and even purchasing banks to provide insured depository services. Banks are seeking to test the existing Federal and State laws that limit the powers of banks. The subcommittee was considering at those hearings legislation supported by the administration that would drastically change the Federal laws defining the boundaries of existing financial service institutions.

One concern that developed in these hearings was the ability of regulators, especially those at the State level, to cope with the changes which are occurring, and to continue to protect depositors and policyholders. I would like to share with the Members an article which appeared recently discussing that concern by State legislators.

The article follows:

[From Business Insurance, Sept. 26, 1983]

STUDY SAYS REGULATORS CAN'T COPE WITH BOOM IN FINANCIAL SERVICES

(By Douglas McLeod)

NEW YORK.—Financial services conglomerates are growing so quickly that they've outstripped the ability of state regulators to keep watch over them, a new study concludes.

In a period of "overnight takeovers" and the blurring of lines among the insurance, banking and securites industries, state insurance departments may not be able to protect the public against insolvencies unless they have better equipment and more manpower, says the study prepared by a task force of the Conference of Insurance legislators.

"In the fast mix and match of their companies and products, America's financial leaders are doing some imaginative things with other people's money," th report begins.

"Many of their efforts are very worthwhile. But others are proving a little too inventive, aggressive and perhaps even reckless, and have raised serious questions as to the ability of regulators to keep watch."

The report, entitled "Risk . . . Reality . . . Reason . . . In Financial Services Deregulation," was prepared by the COIL Task Force on Multi-Purpose Financial Products and Regulatory Initiative. It was presented to the annual meeting of the Society of Chartered Property and Casualty Underwriters earlier this month by New York State Sen. John R. Dunne, the task force's chairman.

"Like it or not, there are some real dangers with the deregulation of financial services," Sen. Dunne said. "In this day of quick takeovers and instantaneous fund transfers, a company holding millions of dollars in policyholders' funds can go broke in no time, and it could take insurance regulators months to learn about it."

One needn't look too far for an example of the problem, the report notes. "The hard times that have befallen the Baldwin-United Corp. provide a current and ongoing case in point."

Cincinnati-based Baldwin-United, fighting to avoid insolvency, this month announced its intention to sell its largest subsidiary, MGIC Investment Corp., to help pay off the thousands of holders of single-permium deferred annuities issued by six Baldwin life insurance units that are now in rehabilitation (*BI*, Sept. 19.)

In trying to deal with the Baldwin-United controversy, the insurance regulatory system in Arkansas "by its own admission came perilously close to breaking down," the report says.

The Arkansas Insurance Department's investigation of questionable loans and transactions among various Baldwin-United subsidiaries didn't even begin until after the transactions had already been closed out, the COIL report notes.

The Arkansas department also encountered long delays in getting information about Baldwin and its affiliates from the insurance departments in the other 49 states, and had to seek outside help when its own staff couldn't handle the "regulatory overload" imposed by the situation.

In the course of COIL's six-month review of the conglomeration of financial services and the adequacy of current regulatory systems, the 13-member task force, composed of state legislators with an interest in insurance matters, made several other observations.

Among its findings were:

State insurance departments can't keep up with the transactions of financial services conglomerates because they don't have the computer capability to rival that of the companies they are regulating.

"Many insurers and their affiliates, with the aid of today's computers, perform in split seconds tasks that pile up on the desks of regulators," the task force's report observes.

While a few states—including Illinois, California and New York—have "reasonably current" computer facilities, most regulators are "at a decided disadvantage in monitoring reserve adequacy" and other solvency data.

The so-called "early warning system" developed by the National Assn. of Insurance Commissioners, a basically manual system for spotting potential solvency problems, "may not spot and relay insolvency information until months after the danger should have become clear.

"A system that furnishes information once yearly and then five months after the fact limits what regulators can do," the report concludes.

The basis for regulation of insurer solvency is still the triennial examination, a report that takes months of work to produce.

For instance, the triennial examination of the Metropolitan Life Insurance Co. by the New York Insurance Department for the period ending Dec. 31, 1978, is still not complete, the report notes.

The integration of insurance with other financial services requires state insurance departments to monitor information traditionally outside their normal scope, compounding their disadvantage in keeping pace with the action of the marketplace.

"When face-to-face with insurers, banks and other financial institutions, (regulators) are outmanned and outgunned," the report says.

Many insurance departments can't offer attractive enough salaries to draw the brightest people away from private companies. Budget restrictions and compensation parity requirements among departments of state government all contribute to the difficulty many insurance departments are having in maintaining adequate staffs to handle their growing responsibilities.

Because regulators' preventive steps may not always head off an insolvency, the "patchwork quilt" of guaranty fund laws in the various states need to be made more uniform and comprehensive.

Many holes still exist, the report says, noting California's failure to create a fund to cover life, accident and health policies.

In addition, many state guaranty funds only function is to bail a state out of fiscal crisis, as happened in New York last year when the Legislature appropriated $77 million from the Motor Vehicle Liability Security Fund to balance the state's budget.

States should make similar efforts to revise insurance holding company and investment laws to make it easier for regulators to monitor solvency and protect policyholders in case of insolvency.

The kind of aggressive deregulation pursued by some states to attract business and promote economic development "represent

the bad side of deregulation and could lead to a deregulatory free-for-all," the report warns.

To help insurance departments cope with some of the problems noted in its review, the task force makes several recommendations. They include the following:

State insurance departments should be given access to state-of-the-art computer equipment that would allow them to continuously monitor insurance company solvency.

To start, insurance departments might require only relatively simple microcomputers, and the cost of such systems would not be staggering, the task force maintains. The report estimates that the non-recurring expenses of buying hardware, software and training workers to use a microcomputer might total about $750,000. Recurring expenses of entering yearly and quarterly insurance company financial data and buying supplies might add up to $350,000 per year, the report concludes.

After state departments have their own small computers, a larger mainframe computer could be bought to handle larger amounts of information. Operated by the National Assn. of Insurance Commissioners, this central system might cost about $4 million, including hardware, staff and network charges to individual insurance departments communicating with the system through their own microcomputers.

Legislatures should increase the budgets of state insurance departments to allow for the purchase of modern equipment and the hiring and training of highly qualified staff.

State legislatures should strengthen insurance holding company, investment and guaranty fund laws to provide more security for policyholders in cases of insolvency.

State officials should start communicating with federal officials who regulate financial services outside the insurance industry so that the state regulators can participate in the formation of a national policy and "avoid being squeezed out of their sphere of influence by federal officials who principally regulate the other financial services."●

LEGISLATION ADDRESSING DISASTER RELIEF FOR VICTIMS OF HAZARDOUS WASTE CONTAMINATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. SKELTON. Mr. Speaker, during the last year Missouri has had the unfortunate experience of providing a laboratory for the operation of the Superfund law. The bill which I offer today is an effort to learn from our experience of the past.

In Missouri, through the activities of one waste hauler, Mr. Speaker, over 200 potential sites were created and to this date over 30 have been confirmed.

The problems which my bill addresses are not huge ones; instead, it clarifies what the Administrator can do in certain hopefully rare cases where Superfund must be applied to a contaminated community.

I would like to especially emphasize that discretion is left with the Administrator as to whether to use these tools in a given case. We do not seek, Mr. Speaker, to create an entitlement in any way, but it should be made clear what tools the Administrator has if he needs them.

Let me go through both sections of my bill briefly. The first part provides that the Administrator can, if he deems it appropriate or cost effective or necessary to protect health and welfare, permanently relocate a community that is contaminated beyond repair by hazardous wastes.

This is exactly the situation we had in Missouri at Times Beach and at Quail Run. The ground was so contaminated that nothing short of permanent relocation made any sense; and yet, the EPA went through the motions of a temporary relocation until a loophole could be found to move the residents permanently. After the flood at Times Beach, the disaster laws were used to effect a permanent relocation; in other words, indirectly doing what we say in this bill can be done directly.

The second provision provides that the Administrator can, where appropriate, pay the principal and interest on business debts so that the economy of an area can be kept alive during a temporary relocation or until a permanent relocation can be put into effect.

It makes no sense to rescue a community, but endanger its economy. Why bother to repopulate a town if every business has been either run off or put into bankruptcy?

In Times Beach, Mo., the residents were asked to relocate by the Government and were provided assistance to mitigate their financial mishap; but the businesses, now left without customers, received no help. Their income was zero, but their obligations continued on.

My bill in its second portion would not replace their lost profit, but it would maintain the status quo so that all the residents have something to return to.

Finally, my amendment provides that some of the aid provided to individuals under the Disaster Relief Act of 1974 would be permitted for those persons thrown out of work by relocation. This could include, at the Administrator's discretion, unemployment and reemployment assistance, food stamps, and certain grants where other programs were not available to meet the serious needs of these relocated residents. By this provision, we simply provide the Administrator the same kind of power to resolve a man-made disaster as is already available in the event of a natural one.

I urge my colleagues to benefit from the hard-learned lessons of our experience in Missouri and to enact legislation that can provide the help that Congress intends for disaster victims.●

GREAT-GRANDMOTHER JOINS PEACE CORPS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ECKART. Mr. Speaker, with all of the bad news that we hear about every day, it is not often enough that we read about the good deeds which many of our citizens perform. It is the spirit of volunteerism and charity which truly makes our society great. I would like to share with you this article from a local newspaper from my district in Ohio which evidences this spirit of benevolence and commitment by Irene Steigerwald.

[From the Ravenna (Ohio) Record Courier, June 8, 1983]

GREAT-GRANDMOTHER JOINS PEACE CORPS

(By Margaret Herman)

Irene Steigerwald is one person who isn't about to sit back and take things easy. "Life is too valuable and interesting to sit back and stagnate," is her formula for staying active.

At 70, Irene is embarking on a new career—as a member of our country's Peace Corps in Sierra Leone. Sierra Leone is a tiny country tucked in along the coast of western Africa.

The great-grandmother of four will leave for Sierra Leone in July and stay two years where she will teach English, mathematics and shorthand in secondary schools.

Where did she get the idea to join the Peace Corps? "I saw an ad in a magazine for senior citizens asking for older Americans to join the Peace Corps."

Looking at that ad, reminded her of a challenge a daughter had made while following news coverage of a trip to Africa by Lillian Carter, mother of former President, Jimmy Carter.

"My daughter said that if Miss Lillian could do it, so could I," she said.

Although 70, Irene's appearance matches her youthful outlook on life. She looks closer to 50 and admits she is "carded" to show proof of her age when taking advantage of senior citizen discounts.

One reason she drew the Sierra Leone assignment is because of her proficiency in two other languages—French and Spanish. Irene studied French in high school, but still retains her fluency in the language. At one time she had a job translating business letters into French for a construction company that did work in the French speaking provinces of Canada.

How she came to speak Spanish is indicative of her attitude toward life. Irene started taking courses at Kent State University two year ago because she thought it would be new and interesting.

"There's no way I'll sit back and spend the rest of my life looking at the tube," she said.

Irene is well aware that the next two years will not be easy—especially if her assignment means duty in the rural bush country. Irene admits that she is bracing herself for the heat of Sierra Leone where it is a minimum of 85 degrees year round.

"I've also been forewarned that teaching may be difficult because the children tend to be lethargic because of malnutrition, ma-

laria or the heat. I'll probably have to repeat lessons over and over again to compensate for their slower rate of learning," she said.

Peace Corps volunteers are expected to live as the natives do. Houses have cement floors, zinc roofs and as many as 15 family members in a few rooms. Outside toilet facilities are the norm.

Customs and mores of her host country will have to be respected. "I may not be permitted to wear slacks because it isn't considered proper for women to wear slacks. I'll probably be wearing cotton dresses and shifts," Irene said.

She had held a variety of occupations ranging from mother and homemaker to program assistant with the teacher corps for the education department of Kent State University. Irene has also done extensive volunteer work. It is a spirit of volunteerism that she hopes to leave behind in Sierra Leone as her personal legacy.

"These people have a unique culture, one I hope to derive much from and learn how they look at the world and survive.

"I am saddened by talk of the ugly American. Maybe I can change that and the people will remember me as somone who came out of love to help them."●

TRIBUTE TO MAYTHELL CHAPPLE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LANTOS. Mr. Speaker, it is my privilege today to call to the attention of my colleagues the retirement of my friend, Mrs. Maythell Chapple, after many years of service to the California Teachers Association.

As you know, the California Teacher's Association is the largest organization of teachers in the country, and has for many years played an important role in enlisting support for public education. The size and tremendous responsibility of this organization in working with its supporting membership to seek public support for education has placed a tremendous work load on its support staff.

Maythell Chapple, for the last 14 years, has been one of the most valuable of this staff in handling the essential work. Maythell has been the dedicated secretary to Ralph Flynn, executive director of the CTA, for many years. Too often people in the secretarial profession are unfairly underestimated, but anyone in the CTA will quickly tell you that this is not the case with Maythell. She has been an integral and essential part of the CTA for all of her 14 years with the organization, and will be sorely missed.

I salute her hard work and dedication, and wish her all the luck and enjoyment possible in her richly deserved retirement years.●

MEDICARE CHANGE MAY HARM PATIENTS

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to bring to the attention of my colleagues the following article, "A Medicare Standoff With Doctors Looms," by Harry Schwartz from the November 3, 1983, Wall Street Journal.

Soon we will be voting on important matters affecting the future of physicians and patients alike.

I therefore urge my colleagues to consider Mr. Schwartz' article carefully before making up their minds on issues of such far-reaching consequences.

I am indebted to Charles Ord, executive director of the Association of American Physicians and Surgeons, for calling my attention to this timely article. AAPS, founded in 1943, is the primary advocacy organization for the Nation's physicians engaged in the practice of private medicine.

The article follows:

[From the Wall Street Journal, Nov. 3, 1983]

A MEDICARE STANDOFF WITH DOCTORS LOOMS

(By Harry Schwartz)

The strain of Egalitarian Utopianism in U.S. domestic policy reached its maximum in 1965 when Congress passed and President Johnson signed into law the Medicaid and Medicare programs. These programs, enthusiasts of that time proclaimed, would guarantee that all Americans—including the poor served under Medicaid and the elderly served under Medicare—would enjoy the same high standard of medical care previously available only to the affluent. Cadillac Medicine for everybody was the bright prospect.

By providing additional tens of billions of dollars of government money for the medical-care market, Medicaid and Medicare did make it possible for large numbers of beneficiaries to receive more and better care. Before these programs, richer Americans tended to get more medical care—as measured annually by physician visits and hospital stays—than poorer Americans. This past decade, that relationship has been reversed and poorer Americans have gotten more medical care per capita and per annum than their more affluent neighbors.

Government spending on health care grew to roughly $150 billion last year from almost $11 billion in 1965, or an increase of about 300 percent in real terms adjusted for inflation. That did much to fuel the explosion in health-care costs the past two decades, as well as to propel medical expenditures to 10.5 percent of the gross national product last year from 6 percent in 1965.

MEASURES VARIED

It was this rapidly rising cost of health care that doomed the hopes of Egalitarian Utopians very quickly with respect to Medicaid. As its bills devastated state and local budgets, politicians throughout the country moved to rein in what they saw as a ravenous monster.

Since Medicaid is a state-run program, though Washington participates in its financing, measures to control costs varied from locality to locality. But, in general, economy moves were aimed at cutting the list of services covered and, perhaps most frequently, keeping down physicians' fees. In many areas, as a result, many physicians refused to see Medicaid patients, arguing that the minuscule fees offered did not even cover overhead expenses.

The result has been that for many years it has been tacitly recognized that for Medicaid recipients the hopes of the Egalitarian Utopians died long ago. Relatively few private physicians serve Medicaid patients, and large numbers of these patients depend on hospital emergency rooms and other specialized institutions such as the Medicaid mills that won notoriety in New York City some years ago.

More recently, some states have sought to save on costs by confining Medicaid patients to special HMO-type groups of doctors and hospitals, as in Arizona, or to particular hospitals willing to offer cheaper rates to the state, as in California. In practice, the old dream of giving the Medicaid patient access to all the same doctors, hospitals and other resources available to the middle-class American has been abandoned. Cost containment is the top priority in Medicaid now, not Egalitarian Utopianism.

Medicare, the program that serves mainly senior citizens, has not up to now gone the way of Medicaid, though its costs have also risen rapidly. The possibility that Medicare recipients may lose their current very wide freedom of choice has arisen this year as Congress is spurred on by official reports predicting that the Medicare trust funds may go bankrupt within a few years, perhaps even before 1990.

The major change imposed up to now has been the requirement that hospital reimbursement be shifted from the historic payment for costs actually incurred during each day of a Medicare patient's stay to the new case-payment system based on Diagnostic-Related Groups (DRGs). As this system, which began Oct. 1, becomes general, hospitals will be paid a fixed sum for each patient, based on that patient's diagnosis. The hospitals will have new incentives, since they will be permitted to pocket the profit if they can care for the patient at less than the government rate and will have to bear the loss if their actual costs exceed the payment.

So far at least, there has been no report of any significant number of hospitals refusing to accept Medicare patients because of the change in reimbursement. Presumably this is because senior citizens—who tend to be sick more often and more seriously than younger people—account for such a large percentage of hospital customers that community hospitals find it unthinkable to reject such patients. But there has been worried speculation that hospitals may discharge Medicare patients prematurely in an effort to keep costs below the government's payment by diagnosis.

Until now, Medicare patients have had very wide access to the physicians of their choice because Medicare, unlike Medicaid, has not required that physicians accept the government fee for a particular visit or service as payment in full. Leaving aside physician billing for the Medicare deductible and for the 20 percent co-payment from patients, physicians now enjoy a choice, patient by patient, between accepting assign-

ment or billing their patients directly for their full fees.

The physician accepting assignment is paid directly and accepts the Medicare prevailing fee as payment in full, aside from any deductible and the coinsurance. The physician who does not accept assignment bills his patient directly, presumably for a larger amount than the Medicare fee, and the patient presumably pays that large amount while being reimbursed only the Medicare-approved amount, which is lower.

Writing in a government publication recently, two researchers summed up the trends here: "The steady decline in Medicare assignment rates over the past 10 years, from 60 percent of all claims to 50 percent, means that the elderly are bearing an increasingly larger share of their total medical care bill. Senior citizens, who read in their Medicare, Part B handbook that Medicare will pay 80 percent of physicians' bills, are stunned to discover that Medicare actually reimburses closer to 50 percent."

The reason for this phenomenon is that government approved fees are each year lagging farther and farther behind the fee levels actually being charged. The lag is the result of formulas introduced by the government in an effort to save money.

The political and economic tensions generated by this situation reached a flash point in mid-October when the House Ways and Means Committee agreed to propose to the full House a radical change in physician compensation.

This amendment would freeze physicians' fees at the June 30, 1983, level for six months beginning next Jan. 1. Additionally, and most important, physicians would be required to accept Medicare assignment for all services provided to Medicare hospital inpatients. This requirement would continue until six months after Congress receives a report, whose deadline is July 1, 1985, on the possibility of revamping the physician payment system so physicians would be paid on a DRG case basis, as hospitals are now paid.

The union of these two proposed steps arises from this reasoning: If Medicare fees are frozen (and actually rolled back to the levels of June 30, 1983), physicians will become even more reluctant to accept assignment and will bill Medicare patients directly more frequently than they do now.

Against this, some congressmen and some representatives of the elderly fear that if physicians are locked into a Medicaid-type reimbursement at below prevailing rates, the Medicaid situation will encompass Medicare as well. That is, it is feared that many physicians, particularly many of the best doctors who tend to have a lot of patients, will decide not to see Medicare patients. The patients would then have to content themselves with service by the presumably inferior—or average, at least—doctors who will be willing to accept Congress's Draconian change in the rules.

There are those who argue that no significant group of doctors would dare boycott Medicare patients. Some doctors already have suffered a painful backlash from public disclosure of their refusal to see Medicaid patients. Any similar boycott of the politically very potent senior-citizen population could, it is held, really bring heavy, punitive retaliation against physicians.

Opinions can reasonably differ about the impact of any change as radical as compulsory assignment for physicians seeing Medicare patients. But there can hardly be any doubt that such a major change would produce an historic confrontation between the government and America's physicians, one that would produce a harvest of ill will and bitterness if the government were able unilaterally to impose its will upon the doctors of this country. In Canada, a very similar issue has become a major point of friction between Ottawa and Canadian physicians.

NEED FOR STATESMANSHIP

Physicians can argue accurately that many senior citizens are relatively affluent and can afford to pay for medical care without Medicare aid. The current system lets physicians discriminate among their patients in the traditional Robin Hood fashion, in effect accepting lower fees from their poorer senior-citizen clients—via assignment—and higher fees from those who are more affluent. The proposed change would prohibit such discrimination regardless of how wealthy a particular Medicare patient is. It can hardly be doubted that any effort to enforce such a system would encourage widespread lawlessness, as the most popular physicians would be able to get their richest patients to make additional payments in some covert manner. Such lawlessness would also move Medicare to a two-tier system of medical care.

Given the importance of the issues, one would think that negotiation between the government and physicians' representatives would be the proper way to approach these difficult problems. Several physician groups already have indicated approval for a temporary freeze, but forced assignment is meeting general hostility. There would seem to be a need for responsible statesmanship in this situation, not for an attempt to impose a change that could produce an explosion of resistance and resentment.●

THE BEST COUNTY CLERK IN TENNESSEE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DUNCAN. Mr. Speaker, Milburn Waters serves as the county clerk for Blount County, Tenn. He is presently serving his fourth term in this office, and he is the finest county clerk I know. Recently he was honored by his fellow county officials as the most outstanding county clerk in Tennessee. He is certainly deserving of this honor for his work in Blount County, but also because of his efforts across the State.

Mr. Waters was presented with a plaque for his achievements by the County Officials Association of Tennessee last month. As president of the Tennessee Association of County Clerks, he has visited the office of each county clerk in Tennessee, traveling to 94 counties other than his home county.

During the past term of the State's general assembly, Mr. Waters began in February and was in Nashville at least 1 day each week of the entire legislative session. He assisted in the introduction and passage of five bills designed to improve State and county government.

Mr. Waters was also cited by the County Officials Association for publishing a directory of the county clerks containing a thumbnail sketch of each official and pictures of most of them along with their telephone numbers.

His hard work as president of the County Clerk's Association paid off in a big way. For the second time in the 15-year history of the association every clerk in the State is presently a member, having paid the required dues. The officials State meeting also recorded the best attendance in its entire history.

Milburn Waters has served Blount County well, and has provided strong leadership for the other county clerks in the State of Tennessee. I believe his accomplishments deserve our attention, and our congratulations.●

NAVAL RESERVISTS HONORED

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MRAZEK. Mr. Speaker, the Third Congressional District of New York has long been held in great esteem for its accomplishments in the area of high technology. The people and industry of our own Long Island district are recognized as the forerunners of technological achievement in engineering and scientific communities throughout the country. Once again, the efforts of the members of this district have warrented recognition. I have just been informed that the U.S. Naval Reserve has recently selected two of my constituents for assignment to the technology and mobilization team of the Office of Naval Research. Eighteen members in total were chosen for their proficiency in the fields of engineering and science from among applicants throughout the United States by a selection board of senior officers at the Office of Naval Research.

The two naval reservists, who both reside and work on Long Island, will dedicate at least one weekend per month to their new assignments as representatives of the Office of Naval Research. They are:

Capt. William B. Reeves (USNR-R), a senior engineer with the Sperry Corp., who specializes in surface ship combat systems design and development; and Comdr. David O. Israel (USNR-R), a computer specialist, who has been previously recognized by the Navy for his system design and programing abilities. I am proud to state that my district was the only district to have such an honor bestowed upon itself twice. It is indeed a privilege to have these men reside in my district

while they continue to uphold the fine Long Island tradition of technological expertise.●

JACK COKER HAS RETIRED

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LEATH of Texas. Mr. Speaker, I come here to praise one of the best Government employees in the history of the Veterans' Administration. That gentleman is Jack Coker, director of the VA regional office in Waco, Tex., since 1965.

Jack, some 66 years young, retired from Federal service at the end of October 1983, after more than 42 years of service for the Veterans' Administration.

Mr. Coker's career in the VA is a classic example of upward mobility in that he began in a clerical job in 1946 and progressed to the position of regional office director in 1965. This could be the only instance on record in the VA of an employee beginning at the bottom of the ladder and reaching the top rung all in the same office.

The mission of the Veterans' Administration is to provide high quality service to the claimants in a timely manner and with the maximum economy of operations. Epitomizing this philosophy is Jack Coker, who, upon becoming director in 1965, established goals of sustained high productivity, high quality of work and timeliness of operations. By the end of fiscal year 1967, under his direction, the productivity index for the regional office reached 92, highest of all regional offices in the Nation. Based upon statistical data contained in the VA Field Station Summary, the Waco regional office during fiscal years 1967 through 1982 had the highest productivity index of all stations in 6 of the years, was second highest three times, third, five times, and has never been lower than fifth. Through August of fiscal year 1983, the Waco regional office productivity index averaged 94, which was eight points higher than the national average of 86. Not only has this sustained high level of manpower utilization been achieved for the station as a whole, it is typical of each operating division as well.

Through the years, Jack Coker has placed even greater emphasis and importance on accuracy of work and timeliness of processing. He personally became involved in review of quality and timeliness indicators with the expectation that error rates in processing would be reduced to the point that predetermined goals and acceptable levels for all indicators would be achieved and maintained. By the end of fiscal year 1970, this objective was achieved. In a letter dated June 10, 1970, the chief benefits director announced to all regional offices that for the first time in the history of DBV's evaluative program for a regional office (Waco) had been assigned an "Excellent" evaluation in all ratable factors (management and quality) in all divisions. With only slight deviations, this same high level of quality and timeliness of operations has continued. In fiscal year 1979, the Waco regional office gain reached the distinction of having an "excellent" evaluation in all ratable factors throughout the station.

The high levels of sustained manpower utilization and quality and timeliness of operations maintained have not been at the expense of other related program areas; in fact, the reverse is true. Employee pride and a station "can do" attitude have evolved to a point that the office excels in everything it is assigned or undertakes to do, whether it be in EEO, Employ the Handicapped, Incentive Awards, and Outreach programs, or in community service efforts such as payroll bond deduction, CFC participation, Red Cross Bloodmobile program, and so forth. The office has been recognized for achievement in all of these areas. The Inspector General's report following audit of the Waco regional office in fiscal year 1979 characterized the general administration and management of the office by saying: "Management successfully promotes efficiency, economy, and effectiveness of operations."

In another report, service was characterized by this statement:

Courteous and friendly dealings are in evidence with all persons coming to the regional office. A helpful attitude has become the natural attitude in the office and is also reflected in station correspondence.

The overall excellence of the Waco regional office has been primarily attributable to the leadership of its director, Jack Coker. He has the ability to anticipate problem areas and thus provide solutions before problems occur or become unmanageable. He encourages positive attitudes and discovers ways of turning individual goals into mission goals; stresses to employees that accomplishment is not only the key to success, but also a key to self-satisfaction and happiness. His effective development and recognition of employees is proven by the fact that former employees of the Waco regional office have progressed to the positions of director at six stations and assistant director at five stations.

Recognitions to Jack Coker during his career with the agency include:

1962: Sustained Superior Performance Award.

1963, 1969 and 1972 through 1982: Outstanding performance rating.

1969: Man of the Year Award, Waco Management and Personnel Association.

1969: Administrator's commendation.

1978: Administrator's Award for Executive Leadership.

1980: Senior Executive Service Performance Award.

1981: Meritorious Executive Rank Award.

Awards and citations from State and local veterans' organizations include:

DAV citation for distinguished service, 1968.

The American Legion Rehabilitation Commission Award for Outstanding Service.

American Veterans of World War II, special meritorious commendation.

The American Legion 11th District citation for meritorious service, 1971.

VFW Outstanding Service Award.

DAV National Commander's Award for Outstanding Employer of Disabled Veterans, 1978.

DAV Department of Texas Large Employer Award for Hiring Disabled Veterans, 1978.

The American Legion Outstanding Service Award, 1978.

AMVETS Outstanding Service Award, 1978.

VAC Exceptional Leadership and Service Award, 1978.

VFW Meritorious and Distinguished Service Award, 1978.

Air Force Association citation, 1979.

AMVETS General Daniel "Chappie" James Community Service Award, 1979.

Texas Paralyzed Veterans Association Appreciation Award, 1982.

Jack Coker is the most respected director in the VA system. His contributions to the Agency, the Government, and to veterans cannot be measured by a factual catalog of statistics. His career has been one of true public service. He has been rewarded for his efforts as noted above, but the true reward is in the form of appreciation from those he has served over the years.

We in Texas will miss Jack Coker, but we wish him well upon his retirement.●

ERA: A QUESTION OF SUBSTANCE, NOT PROCEDURE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. GUNDERSON. Mr. Speaker, when the House considered the equal rights amendment (H.J Res. 1) under suspension today, many of us were faced with a difficult procedural choice. As cosponsors of ERA, do we oppose the resolution because the procedure under which it was considered foreclosed all but 40 minutes of debate and any consideration of amendments, or do we honor our commitment to

legislation that would end inequality between the sexes?

The decision was not easy. After all, the U.S. Congress is the greatest deliberative body in the world and changes in the U.S. Constitution are considered so infrequently that they certainly deserve more than a mere 40-minute debate period that does not even allow for the presentation and review of alternative language.

I, therefore, join my colleagues who are both upset and offended by the method through which House Joint Resolution 1 was considered. That procedure has no place in the people's body—the House of Representatives. As a supporter of ERA, I fear that the masterminds of this short cut may have done more in this single move to jeopardize ratification of the amendment than anything its opponents could have done collectively.

Yet, regardless of how inappropriate the length and timing of our consideration of the equal rights amendment was, I could not vote to deny equal rights solely on the basis of a misguided procedure. Our history is already full of examples where procedure has been used as an excuse to deny substantive rights. That practice must end.

Accordingly, I voted in favor of the equal rights amendment. In doing so, I must emphasize that I view nothing in its language that in any way, shape. or form impacts on laws that prohibit public funding of abortions. Legislative history, existing State cases, and constitutional scholars agree, the present language of the ERA is abortion-neutral.

I am sponsor of a human life amendment and have voted prolife on every question of public funding of abortions during my 3-year tenure in Congress. I have studied the abortion connection question from my prolife posture and, quite frankly, Mr. Speaker, I found no such connection.

First of all, during prior consideration of the ERA in 1971, its primary sponsor, Congresswoman Griffiths, spoke directly to the abortion question and specifically stated that the ERA would have no effect on any abortion law of any state.

Second, in the three States where State ERA's were used in attempts to invalidate existing State prohibitions on public funding of abortions, not once was the ERA cited as prohibiting such funding. The most instructive of these was the Massachusetts case of Moe against King in which the Massachusetts Supreme Court passed over the specific ERA argument and decided the case on very general due process grounds, thereby rejecting the ERA argument.

Finally, the most reknown constitution scholars find no connection between the ERA and abortion. The most notable of these is Prof. Lawrence Tribe of the Harvard Law School who has concluded that "adoption of the amendment would have no effect whatever on the power of the State to regulate abortion or to protect fetuses consistent with the Federal Constitution generally."

Mr. Speaker, those who would ignore these facts make the legal argument that passage of ERA would mean that the Supreme Court would subject distinctions based on sex to a test of strict scrutiny rather than the current rational basis test. This would require the Government seeking to impose the distinction to show a compelling reason for its continuation.

That argument does not necessarily follow. First, there is no written or unwritten rule requiring that result. Second, in recent cases, the Court has begun to recognize intermediate steps between the rational basis test and strict scrutiny. Finally, even if strict scrutiny were applicable, it seems to me that governments can establish compelling reasons to protect the most precious of all commodities—life itself.

In short, Mr. Speaker, from my prolife perspective, I find no connection between the ERA and abortion. I will, therefore, continue in my support of prolife legislation and legislation that promotes equal rights between the sexes. The two are not mutually exclusive.●

ERA COULD MEAN CONFUSION

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. HILLIS. Mr. Speaker, a few years ago, during the Carter administration, the Under Secretary of the Air Force, Antonia Handler Chayes, appeared before the Armed Services Committee to discuss a plan to train women as combat pilots. We talked over the cost of the program, the physical limitations that might prohibit such duty and the effect it could have on the morale of our military personnel.

It soon became apparent to the Under Secretary that the plan was going nowhere with the committee.

But Secretary Chayes made a most interesting point that I would like to share with you and comment on. The Secretary asserted that America would make great strides in the advancement of international social justice if it removed all restrictions based on gender in the military.

The standard we could set, she said, would not only enhance women's rights in the United States but also serve as a good example to the entire world.

Well, I am not one who believes we should advance the cause of social justice at the expense of compromising the effectiveness of our Armed Forces.

I do not believe women should be subjected to military conscription. I do not believe women should be forced to endure the rigors and horrors of combat. I do not believe the military would be well served by a constitutional amendment requiring an equal role for women in combat operations.

If the equal rights amendment passes as is, can anyone in this Chamber unequivocally tell me that the courts will not interpret this to mean women are now subject to the draft? Can anyone here guarantee the ERA will not mean the military will be required to assign women to combat roles?

Even a leading proponent of the ERA, Prof. Thomas Emerson of Yale University, has written "the equal rights amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the amendment permits no exceptions for the military."

I might add here, the House leadership has made sure, through parliamentary high-handedness, that no exceptions are going to be made period.

I have no objection to the principles embodied in the equal rights amendment. I would gladly support it if I was convinced it would not tamper with the existing military structure.

But the amendment makes no specific reference to the military and this is bound to throw the entire matter into the courts.

The Constitution of the United States provides that it is the responsibility of Congress to raise and support armies—provide and maintain a navy and to make rules for the Government and regulation of the land and naval forces.

The ERA, most certainly, would put the courts in the embarrassing position of violating the Constitution in order to interpret the Constitution.

Let us avoid this constitutional crisis by writing an equal rights amendment that addresses this concern. Let us support the rights of women but not at the expense of national security or constitutional confusion.●

EQUAL RIGHTS AMENDMENTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FAUNTROY. Mr. Speaker, I rise in support of House Joint Resolution 1, the equal rights amendment.

On August 27, 1983, 500,000 people representing civil rights, women, labor, peace, church, and environmental organizations marched on Washington for jobs, peace, and freedom. This New Coalition of Conscience which com-

memorated the 1963 march on Washington has as its purpose the passage of a 14-point legislative agenda and House Joint Resolution 1, the equal rights amendment, is an important part of this legislative agenda.

The equal rights amendment is an idea whose time has come; it is past due.

This legislation, first introduced in 1923, and passed by the 92d Congress on March 22, 1972, fell three votes short of the 38 States required for ratification in 1982.

The equal rights amendment would put our Nation on the high road by declaring that the equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. The equal rights amendment would also mandate that Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

In joining in this effort to pass and then ratify the equal rights amendment, I am mindful that the problems in our Nation are most acutely reflected in the black experience. The discrimination against women in our country is compounded by the decadence of racism and is especially severe in its effect on black women.

It is clearly time to continue to make our Nation a better place for all of us. Let us pass House Joint Resolution 1.●

EQUAL RIGHTS AMENDMENT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DIXON. Mr. Speaker, one of the most important challenges facing our Nation is passage of the equal rights amendment (ERA). ERA is needed to establish as national policy that sex discrimination is unconstitutional.

Current efforts to eliminate sex discrimination have proven wholly inadequate. Our society needs ERA as part of the Constitution—the cornerstone of our democracy—to end gender based discrimination. Women working outside the home need ERA for better pay and more opportunities. Women who are full time homemakers need the ERA for full economic security through elimination of discrimination in social security, pension plans, property rights, and credit.

Women continue to be denied equal pay and equal opportunity on the basis of sex alone. The U.S. Department of Labor 1980 statistics show that even when occupation, age, education, and time worked are taken into account:

Women still make less than 60 percent of what men make;

Minority women are paid less than half of what men are paid;

Women with college degrees are paid less than men who did not complete high school; and,

Black women are paid 54 percent of what men are paid; Hispanic women, 49 percent.

The labor of full-time homemakers has the least economic and legal protection of all. Homemakers' labor is not recognized as having economic value. They suffer economic discrimination during marriage, as well as after—whether marriage ends by death or divorce—in social security, pensions, and credit.

Despite laws prohibiting sex discrimination, without ERA, educational opportunities for girls in educational institutions are still not what they are for boys. Girls are steered away from mathematics, science, and the training that is needed for technical and professional careers now dominated by men.

Failure to ratify the equal rights amendment will force another generation of American women to grow up unequal, limited in their options, penalized for being born female. Today's vote will affect the lives of generations of girls and women. I urge the passage of this amendment so that it can be approved by the Senate and forwarded to the States for ratification.●

ERA, BUT NOT THIS WAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I strongly objected to the procedure under which this resolution is being considered. I call the attention of the House to the editorial in today's Washington Post entitled "ERA, But Not This Way."

I agree. I will vote for the ERA, but not this way.

The Post notes that the paper has always supported the ERA and continues to do so, "but," it goes on to say, "ramming it through the House using this extraordinary procedure is wrong on a number of counts. * * * A single sentence that alters our Nation's basic charter and affects the lives of hundreds of millions of Americans, is worth more than a 40-minute discussion."

There are few, Mr. Speaker, who would dispute that passage of the ERA will have a substantial impact on millions of Americans. Proponents and opponents alike testified to this impact in the House Judiciary Committee hearings. Concerns ranged from the impact of the amendment on abortion rights and veterans' benefits to freedom of religion. To cut off free discussion of these concerns is, as the Post notes, wrong on several counts. First of all, it will fuel ferocious debate in the States, which must ratify the amendment, over the intent of Congress in these areas of concern. Second, it would leave the final decision in these areas to the courts. In the vernacular, it would be a "crapshoot," and no one could be certain of how the courts would rule.

The decision to bring the amendment to the floor with only limited debate and to prohibit the offering of amendments to the resolution denies this House the opportunity to go on record with regard to these serious concerns, which involve basic constitutional rights. In effect, the House will be silent on how these conflicts should be resolved. It is a gag rule, and has no place in the consideration of such a momentous issue. While such a procedure will allow Members to duck dealing with these questions, I think it is clear that Congress has an obligation to define for the courts how the amendment should be applied in those inevitable cases where it comes into conflict with other provisions of the Constitution. These issues were raised in committee, but were not resolved. Under the current procedure, they will not be resolved.

I urge the leadership to reconsider its unconscionable decision to suspend the rules on this measure. Their action, besides violating both procedural rules and commonsense, could well endanger ratification of the amendment by the States.

Mr. Speaker, I include the editorial at this point in the RECORD:

[From the Washington Post, Nov. 15, 1983]

ERA, BUT NOT THIS WAY

The signs are that the House will be asked today to do something unnecessary, potentially risky and loaded with unpredictable political consequences. The leadership has decided to bring the Equal Rights Amendment to the floor under a suspension of the rules. That's a procedure usually reserved for noncontroversial matters. Very limited debate is allowed—only 20 minutes to a side—and no amendments can be considered.

We have always supported the adoption of the Equal Rights Amendment and continue to do so. But it is certainly one of the most controversial amendments to the Constitution proposed in this century, having been passed by large margins in Congress once but not ratified by the required three-quarters of the states before it expired last year. It is fine that a new start has been made and that both Congress and the state legislatures—bodies that are continually changing—will have another opportunity to consider this important subject. But ramming it through the House using this extraordinary procedure is wrong on a number of counts.

First, a constitutional amendment is serious business. Debate should be encouraged, not stifled. Amendments, including those we have strongly opposed, should be considered and voted upon. A single sentence that alters our nation's basic charter and affects the lives of hundreds of millions of Americans is worth more than a 40-minute discus-

sion when it is formally considered by one house of Congress.

Second, it is not at all certain that there will be sufficient number of votes to pass the proposal under these procedural conditions. Many who support the ERA are said to resent the gag rule and to be unable, in conscience, to vote to impose these conditions. If pro-ERA forces lose this vote, they will suffer a serious psychological setback that is completely unnecessary. The votes are there to pass the amendment after full and free debate.

Finally, one wonders how much of a part pure unadulterated politics plays in this ploy. Some liberal Republicans, supporters of the amendment, believe that those who have devised this tactic care less about getting the ERA through the House than creating a political issue so that many who object on procedural grounds to voting without full debate or consideration of amendments can be charged with abandoning the amendment.

A 40-minute shuffle in the hectic closing days of the congressional session is the wrong way to conduct important constitutional business. The amendment should be approved, but not under these extraordinary and unnecessary conditions.●

BETWEEN RUSSIA AND THE UNITED STATES: A CLOSING DOOR

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. PRITCHARD. Mr. Speaker, Mr. Glickman has written a thoughtful article about Soviet-United States relations in the Wichita Eagle-Beacon.

I believe all Members of Congress must put greater attention on this subject.

The article follows:

BETWEEN RUSSIA AND THE UNITED STATES: A CLOSING DOOR

The movie is set in Lawrence, Kansas, and it chronicles a nuclear war. The destruction is mindboggling. The familiar setting brings home clearly the tragedy of a nuclear attack because the setting is home; the setting is Kansas. On November 20, ABC will show that movie "The Day After." Perhaps it will cause others, as it did me, to think about the implications of the arms race, to view in the context of a potential disaster what can happen if the two superpowers do not come to terms with their awesome power and the potential for destroying the human race if we do not learn to live with each other.

In July of this year, Yuri Zhukov, a member of the Supreme Soviet and Chairman of the Soviet Peace Committee, made the comment to me during a congressional trip to the Soviet Union, that "your President is too provincial . . . calling us an evil empire and engaging in nasty, polarizing rhetoric." The irony of that comment made by a man known as "the butcher of Moscow" was not lost around the luncheon table in the Kremlin. I responded to Zhukov that Kremlin leaders, including Yuri Andropov, were guilty of much uglier rhetoric. Zhukov's response was "perhaps you are right, but you Americans do not show us respect." He then described a meeting with Richard Nixon over ten years ago in the same room where we were eating, and where the Test Ban Treaty had been signed at the very same time the United States was placing mines in Haiphong Harbor in Vietnam. Zhukov said, "Even at the identical time you were placing our ships at risk in the harbor, Nixon at least showed us courage and particularly the respect by coming here to the Kremlin."

Zhukov's comment was very significant. He was telling me that as a Russian, he didn't necessarily care to be loved, just respected. Later, our Soviet "experts" from the State Department accompanying us on the trip said that I had "discovered" a very significant fact about the way the Soviets view their relationship with the West, particularly the United States. My discovery was nothing more than reaching the knowledge that we must deal with nations as we would with individuals, remembering that simply recognizing the other's point of view is the first step in communicating. And although it may be a cliche, communication is the key to resolving the impending disaster we could be facing. The door that separates the two most powerful countries on earth is open now only a slight crack; if it closes shut, the consequences are unthinkable.

Nuclear war would not in all probability start by reason of an intentional first strike attack by one superpower against the other but a miscalculation based on the misinterpretation of the other side's motives and could end in a holocaust. That miscalculation could literally come from something so simple a perception as not being shown respect.

After forming this realization of the Soviet Union, and deciding to learn a bit more about our major adversary, I have come up with a few suggestions to deal with them, to open up communications with them, and to modify our methods of communications to foster a new era of superpower detente. First, we need to realize that we are dealing with two Russias. There is the old hard line dialogue with the remaining Stalinist leadership like the Andropovs. They have experienced war and want some agreement with us, but they will push us as far as they can and try to get as much as they can. They experienced power and politics in one of the most repressive times of all history and are probably the group most sensitive to not being "respected."

The second Russia is post-war, post-Stalinist. These Russian leaders did not experience the war, at least not in a leadership context. This new generation potentially can move away from the aggressive adventures of Poland and Afghanistan toward an emphasis on their own domestic problems. They did not experience the political purges either and there are signs that this part of the Russian leadership, who will be in charge one day, may be more attuned to cooperation if it means improving their economic problems. The successor generation then, could conceivably be approached to set in motion an opening up of lines of communication beneficial to both of us. For example, the signing of the recent grain agreement should be matched by bilateral cultural and scientific exchanges. And while we must guard against exporting strategic knowledge and secret technology, neither should we refuse to enter such accords in health care, agriculture or energy research simply because they don't work 100 percent in our favor alone. There are many ways in which we can talk, can cooperate without harming ourselves.

We must then, on the one hand speak in harsh, direct specifics with the old Stalinists who will rule Russia until the end of this decade, realizing that a little common sense understanding of their need for "respect" and a mutual cooling of hot political rhetoric might reduce tensions a bit. At the same time, while keeping a strong military posture, we must search out non-military ways to cooperate with the post-Stalinists whose interests will be more and more focused on a disastrous domestic economy, and whose background is not steeped in warlike tradition and political genocide.

We are, after all, two nations armed with the awesome power to annihilate the world. Each of us knows so little about the other, its history, its culture and its ideals. But since it is impossible to talk through a closed door, we must work to open that door. In this era of conflict in Lebanon and Grenada, where the superpower tensions between the United States and the Soviet Union underlie almost every brush fire and confrontation that is occuring in the world, there are not miracle answers to prevent the nuclear holocaust portrayed in the ABC movie. There are no absolute solutions to prevent a future "incident," like the shooting down of the Korean airliner, or the invasion of an island nation, from snowballing into the unthinkable. But we must try to find those answers and look for the miracles; to not do so could turn movie fiction into fact and actors playing roles of dying Kansans into the real thing.●

EQUAL RIGHTS AMENDMENT

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MARRIOTT. Mr. Speaker, I support equal rights for women and I oppose any laws or statutes which unfairly discriminate against any individual based on their sex. Further, I was hoping that the House of Representatives could consider before this body and support a version of the equal rights amendment that provides, by force of law, strong equal rights for women. But, this choice has not been presented to the Members on the floor of the House of Representatives today.

While I had hoped that the Members of Congress could consider, in an open debate, the sensitive issues brought forth by many concerned Americans—men and women, alike—and the various State legislatures during the past 12 years, and in many instances amend the simple language of the equal rights amendment, showing the intent of Congress to dispel many of the horror stories that have surfaced over the past decade, the gag rule under which the equal rights amendment has been brought before this body, will not allow us either adequate time to debate the intent of Congress or the ability to amend the language specifically indicating our concern in various areas.

Since the equal rights amendment was passed in 1972, the States have had 12 years to ratify this constitu-

tional amendment. When the original 7-year statute was to expire, Congress, in 1978, passed an additional 4-year extension, allowing the States additional time to approve of the equal rights amendment passed by the Congress in 1972. In 1982, the time expired on the ratification process for the equal rights amendment. During the entire decade, the States did not believe that the issues raised on the ramifications of the equal rights amendment had been adequately answered.

The House of Representatives, one of the greatest body of deliberators, could evaluate the merits of the equal rights amendment and debate the pros and cons of the language in the equal rights amendment. Through the amendment process, the House of Representatives could modify the current language, indicate the intent of the House as to the subsequent interpretation of the equal rights amendment, and then pass a measure which could be presented to the States that makes sense—that perfects the previous language which had been denied under the earlier ratification process.

Unfortunately, the rule under which the equal rights amendment will be considered today is not a fair rule. It is a shame that individuals of this body, swayed by political motivations, have deteriorated what could have been one of the most significant legislative debates by this body this year, into a simple sham. Instead of following the proper procedure laid out in the Rules of the House of Representatives for consideration of constitutional amendments, the leadership has determined that the equal rights amendment should be debated under an unfair rule creating an unequal forum of discussion.

The only people who lose, Mr. Speaker, are the American public. As the equal rights amendment is one of the most important issues to come before the body, it is more than unfortunate that those of us in the House who would like to vote for passage of an equitable constitutional amendment, will not have the opportunity to do so. It is not the rights of American women that these legislators have in mind—it is, rather, the outcome at the polls that they are coveting more. This is nothing more than a dereliction of duty by the U.S. Congress.

Under the rules of the House under which the equal rights amendment has been brought to the floor, this measure can only be debated for 40 minutes—20 minutes in favor of final passage; 20 minutes in opposition to passage. The 26-word amendment cannot be amended on the floor of the House. There are no provisions allowing for the concerns of the Members of Congress representing the American people who have appealed to them on their feelings on the equal rights amendment.

Last week the debate surrounding the Universal Telephone Services Act of 1983, was held under a rule allowing for 10 hours of debate and as many as 82 amendments were allowed to come to a vote if the Members wished. Why has the House leadership used a gag rule on the equal rights amendment, bringing the measure to the floor of the House of Representatives in the last week of scheduled business for 1983 in a hurry-up fashion. What happened to the other 11 months in which we were in session. House Joint Resolution 1 was introduced on January 5, 1983. The Universal Telecommunications measure was introduced on October 6, 1983.

Questions were presented during the debate by each of the State legislatures during the ratification debate. Some of these questions are as follows:

First, would ERA strengthen abortion rights for women? Would the Hyde amendment, restricting the use of Federal funding for abortions, be unconstitutional under the equal rights amendment?

Second, would churches with religious doctrines differentiating between the roles of men and women lose their tax-exempt status?

Third, would ERA prohibit sex-based differentiation in insurance?

Fourth, would ERA require that discrimination on the basis of marital status be added to housing discrimination laws of our Nation?

Fifth, would ERA result in women being assigned to combat units and related duties on the identical basis as men?

Sixth, can Federal charters be given to separate but equal organizations, such as the Boy Scouts and the Girl Scouts under the ERA?

Seventh, under previous constitutional interpretation, usually the most recent constitutional amendment is the controlling amendment. Therefore, will the first amendment rights prevail when they come into conflict with the equal rights amendment?

Eighth, would the ERA make it unconstitutional for government to provide private, single-sex institutions, such as Wellesly, tax exemption, financial assistance for their students, or any form of government benefit?

These are the questions that the House of Representatives should confront today. It is the role of the legislature to determine the intent of congress rather than to pass legislation which will just be interpreted by activist Federal judges. Limited debate will not even allow the Members adequate time to indicate their concerns with future judicial intrepretation as to what was meant on the floor of the House when the Congress passed this constitutional amendment.

With proper floor debate, and with proper changes in the language of the equal rights amendment, I would have been willing to endorse a straight and fair ERA. In the forum that has been presented here today, I have no clear choice but to uphold the integrity of the House of Representatives by voting no on suspending the rules and voting for final passage of House Joint Resolution 1.

It is impossible to brush aside questions on the impact of ERA on abortion funding, veterans preference laws, the tax-exempt status of churches and religious schools that differentiate between the sexes on the basis of their religious doctrines, the status of women in relation to the draft and combat duty, and a number of other areas of marked interest and concern to large numbers of the American public.

These require our contemplation, and our action.

Neither can we brush aside these questions on the grounds that the Constitution deals in broad principles that should not be too narrowly defined. We cannot presume that the courts will rule on the vexing and complex issues raised by the ERA. It is our responsibility as legislators to work together to solve these problems at the outset and then adopt language that will make our intent clear to the judiciary which will be responsible for interpretation and application of the equal rights amendment. Therefore, it is critical that the equal rights amendment be considered under normal procedures will full opportunity to consider amendments that would allow resolution of these important questions.

There can be no justification for this attempt to railroad a proposed constitutional amendment through the House.

In closing, Mr. Speaker, I would like to document my statement that the equal rights amendment is being used as a political pawn. When the tables were turned, not more than 5 years ago, the chairman of the House Judiciary Committee, Representative PETER RODINO, who was in opposition to the consideration of the constitutional amendment prohibiting forced school busing, stated as there was an attempt to limit debate to 1 hour on that constitutional amendment: "Such a spectacle, I must suggest would demean our democratic system, this legislative body, and each of us." (CONGRESSIONAL RECORD, July 24, 1979, page 20361).

Mr. Speaker, let us not demean the American public, the women of our society who should be provided equal rights under the law; let us not demean our democratic system of debate and the amendment process; let us not demean the House of Representatives; and let us not demean each of us as Representatives of the People of our Nation.

In casting my vote in opposition to House Joint Resolution 1, I am stating

that my constituents want any debate on the equal rights amendment before the House of Representatives to be a fair debate and one which would be given the serious consideration of each and every Member of Congress.

I am casting my vote, not in opposition to equal rights for women, but in opposition to the gag rule on the floor of the House today.●

HAZARDOUS WASTE: A MAJOR CONCERN IN FLORIDA

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BILIRAKIS. Mr. Speaker, I want to express my pleasure over the passage of H.R. 2867—the Hazardous Waste Control and Enforcement Act.

I, first, want to mention that the importance of this bill can be seen in the fact that the bill passed by a unanimous voice vote of the House. Though several of the amendments were controversial and debatable, the heart of the very bill addresses several important issues of national and local concern. I want to emphasize the concern of the Florida delegation on this issue. As a united body, we have joined together to combat the problems that our home State is facing regarding hazardous waste, since Florida contains three times more the hazardous waste sites on the Superfund priority list than any other Southern State. Something must be done about this. To express our growing concern in this area, the delegation joined in passing a resolution, stating our position:

The Florida Congressional Delegation expresses its concern over hazardous waste sites located in Florida. It wishes to reemphasize its commitment to a prompt and thorough cleanup of those sites now included on the Hazardous Waste Sites—National Priorities List (Super Fund List). It appreciates the recent information provided by Environmental Protection Agency Administrator William Ruckelhaus regarding the Florida sites, and requests the following actions be taken by the EPA, including;

1. Expeditious cleanup of Florida Super Fund sites, directly or through appropriate State or local parties.

2. Inclusion in the National Priorities List of four new Florida sites recently proposed by EPA for an expanded Super Fund List.

3. A quarterly report to the Delegation of Florida Super Fund sites and the progress being made toward their cleanup, including identification of any problems encountered in the cleanup process.

4. Notification of the Delegation as to any assistance it might render in the cleanup process.

Since my election to office, I have made environmental concerns one of my priorities, as I know what a concern this is to the residents of the Ninth Congressional District. It is measures like the hazardous waste bill and the deauthorization of the Florida Barge Canal that top the lists of all Florida environmentalists and as a direct respond to their call, I have labored for the passage of these pieces of legislation. It is my hope that the EPA will continue to work with the Florida delegation so that these concerns will be addressed and Florida will be cleaned of the hazardous waste that pollutes her air, land, and water resources.●

EQUAL RIGHTS AMENDMENT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DE LUGO. Mr. Speaker, while the Constitution provides for equality for all citizens, we have failed to appreciate the meaning of this precept as it applies to women. This is true on a number of levels, but economic discrimination is the most entrenched and the most disturbing. We cannot ignore, for example, recent debate on insurance discrimination and inequities in the social security system.

Equal rights for women continues to be a grey area in constitutional law, giving rise to debate where there should be none. We have the responsibility today to make crystal clear the status of women as equal citizens in a country that prides itself on the equality of all.●

UNFASHIONABLE CIVIL RIGHTS

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. SILJANDER. Mr. Speaker, on this day that we debate the ERA it continues to amaze me how proponents of the amendment support an expanded and excessive constitutional amendment for females while ignoring the rights of those weaker and helpless such as unborn children, the elderly infirmed, and most recently infant children born with handicaps. When abortion was the issue, the pro-ERA people said that the unborn child was not human. Now what do they say about handicapped infants? Obviously they cannot say the child is not human. Instead we see the real nature of the argument. The "quality of life" is not sufficient to meet their standards. I believe this article by George Will in the Sunday, November 13, Washington Post articulates this best:

[From the Washington Post, Nov. 13, 1983]

UNFASHIONABLE CIVIL RIGHTS

(By George F. Will)

Civil rights "activists," so active denouncing President Reagan, have not noticed, or will not acknowledge, that he is significantly expanding civil rights protections. That is the importance of cases like that of "Baby Jane Doe" in New York.

The government is seeking medical records in the case of the infant born with spina bifida and excessive brain fluid. Without surgery the baby is expected to die within two years. The parents oppose surgery. Doctors say—guess, really—that the child would be "severely" retarded and would die as a young adult. The federal government may seek treatment the parents oppose.

The administration is not acting on an ideological quirk. It is giving a reasonable interpretation to a civil rights law, Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination solely on the basis of handicap. The administration is not trying to sever Section 504 from medical judgment. There is no notion of an obligation for futile treatment that merely prolongs dying or extends life a short span. But treatment should not be withheld to cause the death of a newborn because parents decide, on the basis of doctors' guesses, that the child's life would be inconvenient, disappointing or without acceptable "quality."

After parents and doctors agreed in Indiana in 1982 to starve a Down's syndrome baby rather than perform routine surgery, Reagan ordered regulations requiring the posting in hospitals of notices that discriminatory denial of care to handicapped infants is prohibited. A hot line was established for reporting violations.

The New York Times, which favors aggressive federal action to protect the right to vote or to a safe work place, denounces the government as "Big Brother" when it moves to protect an infant's right to life. If a parent and an employer decided to employ the parents' healthy child at less than the minimum wage, The Times would demand a federal posse. But when the government considers intervening to prevent parents and doctors from causing death by withholding treatment, The Times champions parental sovereignty.

Such sovereignty is highly conditioned. Parents cannot abuse or neglect their children, or keep them from schooling, or prevent them from receiving certain vital medical care, such as transfusions, on religious grounds.

The Wall Street Journal, which at least has a crazy consistency (it doesn't much like government, the Pentagon excepted) denounces the administration for "harassment" of parents and doctors and for expanding "the role of Washington in our lives." The Journal wants the rights of handicapped newborns allocated by the private sector, by parents and doctors. But surely even conservatives of the Journal's stripe can concede that the federal government, in addition to running the Navy, can legitimately protect babies from being condemned because of imperfections.

Many editorialists insist on deference toward doctors' judgments. In the Indiana case, a doctor testified that the baby should die because the baby would never achieve a "minimally acceptable" quality of life. The doctor decreed that "some" Down's syndrome persons are "mere blobs" and that he had never known a Down's syndrome person "able to be gainfully employed in anything other than a sheltered workshop * * * that could be self-supporting. * * * These children are quite incapable of telling us what they feel, and what they sense. * * *"

The moral squalor of that statement (should life-saving treatment be denied to all economically marginal persons?) is ex-

ceeded by its ignorance: I'll introduce the doctor to Down's syndrome citizens—sorry, doctor, that's what they are—who work outside sheltered workshops and who can tell what they feel and sense about people like him. Clearly, some doctors claim authority concerning matters that are in no sense medical. Note the doctor's opinion about the "acceptable"—to whom? the AMA?—quality of life.

A person who calls the police to protect a child who is being abused next door is called a good citizen. A nurse who tells the government that a baby is suffering the ultimate abuse is denounced by editorialists as a "spy" or "police informant" or "busybody." A professor writes that the hospital notice and hot line "insult" all doctors as potential child abusers. But do child-abuse laws insult all parents? Editorialists who have favored sending civil rights enforcers, even the Army, into the South now express horror about "Baby Doe squads" descending on hospitals.

Why the hysteria? Perhaps it is because editorial writers consider doctors as peers—fellow professionals and equally infallible. It is one thing to urge federal enforcers on businessmen, but restricting the discretion of professionals is an affront. Furthermore, many members of the social stratum from which editorial writers come cannot cope with the fact of permanent defects, especially in children, defects that neither a new law nor a new antibiotic nor a new curriculum can cure. Parents who conjugate French verbs for their super-babies are unnerved by what they think is the meaninglessness of a life that will not include reading New York Times editorials.

But American history is a story of progressive inclusiveness as rights have been extended beyond healthy, white, property-holding males. America today is on the threshold of another great inclusion, that of handicapped, and especially mentally handicapped, persons. This is Ronald Reagan's doing, and he is getting neither help nor credit from the self-appointed custodians of the nation's conscience regarding civil rights.●

ACU OPPOSES ERA UNDER SUSPENSION

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1982

● Mr. WEBER. Mr. Speaker, the oldest and largest conservative organization, the American Conservative Union, has issued its formal position on the ERA. Like many of us in this body, the ACU opposes consideration of the ERA under the "gag" rules imposed by the House Democratic leadership. I think the ACU statement speaks for itself:

ACU STATEMENT ON PASSING THE ERA ON A RULES SUSPENSION

The attempt to steam roll an amendment to our constitution through Congress on a rules suspension is a crassly political and shameful act.

Surely House members, regardless of their feelings on ERA, will not allow the leadership to tamper with the basic document of our Republic without full debate or the chance to offer amendments.

This is the procedure which was used to saddle the country with prohibition. It was a mistake then and it is a mistake now.●

EQUAL RIGHTS AMENDMENT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. EVANS of Illinois. Mr. Speaker, fear and contempt have often dominated the debate on the equal rights amendment—fear of the changes and new responsibilities that equality might bring, contempt for those who dare dream of a more equal society.

All too often this fear of the unknown has obscured the realities of discrimination so many women and men have experienced, and continue to face in their everyday lives.

We now have become quite familiar with the fact that women as a group earn only 59 cents for every $1 a man earns. This wage gap affects a woman from the time she is born until the day she dies. And in those twilight years when a woman is often faced with living alone, she pays perhaps the heaviest price for inequality—as a retiree living without a pension of her own, or with less social security because her earning power was less during her working years.

Limited educational opportunities, hindered advancement in business and government, and restricted insurance policies are just a few of the ways our Nation is robbing itself of the skills of over one-half its population and binding the dreams and hopes of more.

In the middle of the Depression my grandmother was left alone to raise my mother, Joyce, and her sister alone. My mother now works as a nurse practitioner, but has been told by more than one supervisor that she would have made an excellent doctor. Yet the doors of the best medical schools were closed to her generation.

We have come a long way, but it is not far enough. The doors of opportunity are still not fully opened. Court rulings still allow the best schools to discriminate on the basis of gender.

Now I have a 2-year-old niece, also named Joyce, who must still overcome unfair and unnecessary discrimination as she grows up. I believe that this vote for the ERA is for her—a vote of hope and optimism for her future.

I strongly support the simple but powerful words of the equal rights amendment, which seek to bestow the blessings of life, liberty, and the pursuit of happiness on all Americans, women and men. I believe that my niece, and your daughters, sisters, nieces, wives, and grandmothers should be allowed the opportunities and benefits they have been so long denied.

To maintain our greatness as a country and to meet our mandate from history, we cannot condone one wasted opportunity or one wasted life. We will need the best and brightest, regardless of sex, working for our very survival. I do not think it is asking too much to state in the basic law of the land that each individual is equal before the law. It is an affirmative declaration of our continuing commitment to the ideals of our democracy.

Mr. Speaker, I rise in strong support of this constitutional amendment and urge our colleagues to vote "yea."●

THE EQUAL RIGHTS AMENDMENT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. CLINGER. Mr. Speaker, I deplore the procedure under which the equal rights amendment is being brought to the floor today. Bringing such a sensitive constitutional issue before the House or Representatives without the opportunity for debate and amendment constitutes a stranglehold on the legislative process and a blatant manipulation of the legislative process.

In spite of my reservations about the "gag rule" imposed on the consideration of this amendment, I rise in strong support of the ERA as a symbolic as well as an effective affirmation of my commitment to the ideal of equal rights under the law for men and women.

As a consistent supporter of the ERA as well as the Hyde amendment, I have struggled with the question of how to vote today. I have carefully reviewed the facts regarding the possibility of an ERA-abortion connection and I have come to the conclusion that passage of the ERA will not jeopardize the constitutionality of the Hyde amendment.

In a series of three cases in States which have equal rights amendments, the courts dealt directly with the issue of whether a State's refusal to pay for nontherapeutic abortions discriminated against women. The American Civil Liberties Union argued in each of these cases that abortion is simply a medical procedure and to deny public funding thereof constitutes sex discrimination. The Court summarily rejected these equal protection arguments and decided the cases on the basis of economic equity.

In the celebrated Supreme Court cases of Roe against Wade and Dalton against Bolton the Court viewed abortion as an issue of due process rather than equal protection. Due process is concerned with whether the exercise of a fundamental right, guaranteed to

all citizens, is being unconstitutionally burdened by a particular law. This doctrine does not require evidence of unequal treatment since even if everyone were treated exactly the same, denial of due process might still exist. Since no right is absolutely free from all governmental control, the cure for due process violations involves balancing the need for regulation against the free exercise of rights.

Mr. Speaker, I am confident that the courts will maintain their position and will carefully scrutinize any arguments put before it which seek to undermine legal precedent. The equal rights amendment faces a long journey through State ratification and for the sake of this country, I hope it meets with success.●

EQUAL RIGHTS AMENDMENT

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LUNDINE. Mr. Speaker, this country has witnessed a great deal of progress over the last several decades in the area of equality of rights for all Americans. Women have displayed courage, integrity, and brilliance in their competition with a male-oriented society. The strides we have taken in this short period of time deserve to be reinforced by our passage of the equal rights amendment (ERA).

The American dream is fast becoming a reality for many American women. Years ago, the American dream was obtained only by the white American males; for others, the dream was just a dream. Today, we must support women in their continuing endeavors to attain the goals previously available only to the male half of our population. Young women need to know that the sky is truly the limit. A women's place within society should be of her own choosing, dictated not by gender but by ability. The children of today, and of tomorrow, need to be encouraged by us in their endeavors to continue the goal of an egalitarian society.

It is time to allow the States another chance to fully endorse the equal rights amendment. It is time to allow them to decide that the American dream is a possibility for women as well as for men. We must allow the people of the United States, through their State representatives, to pass at long last a substantive statement of this country's support of women in the goals to which they aspire. Therefore, I respectfully urge my colleagues to support the equal rights amendment, House Joint Resolution 1, when it comes before the full House for a vote.●

THE YEN, THE DOLLAR, AND DEFICITS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. REGULA. Mr. Speaker, I have addressed this distinguished body on numerous occasions concerning Washington's uncontrolled deficit spending. Curing the budget deficit disease also requires treating the symptom of trade deficits. Overall, the trade deficit is expected to be $70 billion in 1983 and could reach $100 billion in 1984.

I believe Congress must take decisive action to correct this problem. Our trading partners must recognize the present inequities within the world marketplace. The value of the yen relative to the dollar is indicative of such unfair trading practices.

Today, I insert into the RECORD an article entitled "How Double Deficits Are Distorting The Economy," Business Week, November 7, 1983, written by Phillip Caldwell. At present, Mr. Caldwell is chairman and chief executive officer of Ford Motor Co. I am hopeful that this article will be of use to my colleagues in understanding this complicated problem.

The article follows:

[From Business Week, Nov. 7, 1983]

HOW DOUBLE DEFICITS ARE DISTORTING THE ECONOMY

(By Philip Caldwell)

This year the automobile industry, including Ford Motor Co., is recovering from the crippling economic environment of the past several years and for the first time since 1979 will end the year with a comfortable profit.

But our company's recent successes do not mean that we are completely out of the woods. Despite the industry's $80 billion effort to restore its competitiveness, Ford and the other domestic auto makers need to make further financial improvements and increase volume in order to maintain the high levels of capital spending required to meet the international challenge. The new ground rules of international trade that were unfolding in the late 1970s are still very much with us. Yet the U.S. has not awakened to the reality that its business and industry cannot be competitive in world markets unless the U.S. itself is competitive. I submit that it is not.

Perhaps the managers of the U.S.—our government leaders—have been taken in by the myth of smokestack industries, as have some members of the press. As the myth would have it, these industries should be abandoned to make way for a "postindustrial" economy based on high technology and services.

Let there be no mistake: It is only a myth. The harvest of a brave new high-tech world cannot uphold the U.S. standard of living or its security. Nor can this enormous nation survive if its work force does nothing more than get up each morning to fry one another's eggs or press one another's pants.

What must this nation do to ensure its competitive strength and reassert its leadership? I believe there are at least two areas in which the U.S. can and must take decisive action: the misalignment of currency prices—particularly the long-standing imbalance between the Japanese yen and the dollar—and the inequities between the U.S. tax system and the tax structures of other trading nations. Both serve to make the U.S. noncompetitive in world trade.

Out of control: Here, however, I want to focus on a larger issue: the problem of double deficits. I am talking about the federal budget deficit and the trade deficit, both of which are out of control.

Together they create a serious distortion in the U.S. economy. One impact of the budget deficit is to raise interest rates, drawing in foreign capital. That jacks up the dollar, which leads to a worsened trade deficit; this in turn causes loss of jobs, higher unemployment, and lost tax revenues, which add to the budget deficit.

One of the principal causes of double-deficit distortion is, in fact, the continuing misalignment in current prices, particularly the relationship between the dollar and the yen. For some time, there has been an imbalance between these two currencies of about 25 percent. I view it as one of the greatest trade-distorting elements in the world today.

As an example of its impact, consider that this imbalance gives Japanese auto makers what amounts to a subsidy of $750 on every car they export to the U.S. I believe that part of the solution for the double-deficit problem can be found by addressing the yen-dollar imbalance. President Reagan and Prime Minister Yasuhiro Nakasone are scheduled to meet in November. They should take that opportunity to declare that the imbalance is a problem and that the two countries are committed to work together to resolve it. That's the first step.

Shifting the balance: The next steps should center on diminishing the extraordinary capital flows out of Japan and into the U.S. and internationalizing the yen. In recognition of the role of Japan in the world economy, the yen must be internationalized as a reserve currency. This would be accomplished by orderly and substantial acquisition of yen securities for reserve purposes—through cooperative purchases by the U.S., Japan, and other central banks of the countries of the Organization for Economic Cooperation & Development—to create a significant change in the relationship between the yen and other major currencies. This cooperative international effort should also include action on a long-range solution such as was indicated by the declaration at the Williamsburg summit to consider improved exchange-rate-setting mechanisms in a study carried out in conjunction with the International Monetary Fund.

Actions Japan could take unilaterally include removal of government constraints on capital inflows to Japan and steps to reduce the interest rate differential vis-a-vis the U.S. by allowing the market more freedom to determine Japanese interest rates.

Getting U.S. interest rates down is of paramount importance, and reductions in the U.S. federal budget deficit would contribute substantially to lowering the interest rate differential between the two nations.

The private sector is working hard to make American industry and products more competitive. But only the government can act on such issues as currency imbalances, tax system disparities, and, above all, the double deficits to ensure that the business

environment of the U.S. is fully competitive with that of any rival.●

PRODUCTIVITY IMPROVEMENT INITIATIVES AT ANNISTON ARMY DEPOT PREPARED BY DIRECTORATE FOR RESOURCES MANAGEMENT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. NICHOLS. Mr. Speaker, too often we read and hear criticism of the attitudes of Federal employees. With all confidence, I can say that the typical Federal employee at Anniston Army Depot is far different from that portrayed by political cartoonists.

Earlier this year, an independent reporting team from the Resource Management Journal visited Anniston Army Depot. Their findings can be best described in their own words:

All Anniston employees, from supply specialists to Commander Leo J. Pigaty to tank rebuild laborers, perform their work with a rare zest, and a concerned awareness of what their specific jobs mean to the overall productive effort (at Anniston Army Depot).

The contributions of the Anniston Army Depot are important to the Nation's total defense effort. This can only be achieved with the continued motivation of each individual employee at the base. I am proud of, what I consider, the Nation's best depot. I would like to share with my colleagues a short point paper highlighting what the Depot is doing to maintain that high level of motivation.

In the summer 1983 edition of Resource Management Journal, writers Roxanne Addis and George E. Wildman, Jr., describe many of Anniston's productivity enhancement efforts in their article, "Anniston Army Depot—Excellence Through Innovation." Following is a brief synopsis of the initiatives discussed in that article.

Our people are our most important asset. Much of our effort is directed toward developing and utilizing their skills, knowledges, abilities, and dedication to the depot.

At the end of FY83, Anniston had 66 Quality Circles. This program uses the skills and knowledges of the people who are closest to problems in order to find solutions to those problems. This program produced a net savings of $75,000 in FY83.

Anniston also strongly encourages employee participation in the suggestion program. FY83 savings from employee suggestions were $1,126,824.

Anniston's awards program is a strong contributing factor toward motivating our employees to continually strive to improve. Twenty-two percent of Anniston's employees were recognized in FY83.

Another motivational effort was the Productivity Gain Sharing (PGS) test program. This test permitted the 480 participating employees to share in the benefits of productivity increases in their area. This resulted in a 9% productivity increase in FY83.

As a result of strong command emphasis and employee dedication, average annual sick leave usage was reduced from 71 hours per employee in FY79 to 51.2 hours in FY83. This equates to 37 additional productive man-years.

Value engineering studies resulted in savings of $2,500,000 in FY83. Much of this was accomplished through finding ways to reclaim worn parts that were previously replaced in the depot maintenance process.

Turret race rings were previously scrapped when teeth were worn, pitted, or chipped beyond tolerances. Replacement race rings cost $5327 each. Teeth are now welded with a special welding rod and machined back to original size at a cost of $127. This produced an annual savings of $728,000.

Engine cooling fans with broken or chipped blades were previously scrapped. Broken or chipped blades are now welded, ground to original configuration, balanced, and returned to service, resulting in an annual savings of $731,817.

Modernization of facilities and equipment is essential to Anniston's capability to respond to the Army's future needs.

Acquisition of an interactive graphics system for programming numerically controlled (NC) equipment and producing engineering drawings and DMWR design sketches has resulted in an annual savings of $102,650.

Use of a voice input mini-computer to control small arms inventory under the DA Small Arms Serialization Program is saving $179,000 and 9 man-years annually.

Planned application of robotics in the welding, painting, and sandblasting activities will save an estimated $510,000 annually.

Planned facilities modernization projects include a new test track to provide capability to test the M1 Abrams tank, a new $2,750,000 modern machine shop that will amortize its cost in 3.54 years, new maintenance facilities, and many others.

These are only a few examples of the many ways that Anniston continually strives to excel through people building programs, efficiency effectiveness actions, and modernization initiatives. It is through efforts such as these that Anniston maintains its can do reputation.●

THE LATEST TRAGEDY IN CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BROOMFIELD. Mr. Speaker, I am certain that all of my colleagues share my shock in hearing today's news concerning Cyprus.

Northern Cyprus just unilaterally declared itself an independent Turkish-Cypriot republic separate from the Greek-Cypriot majority on the strategic Mediterranean island. The Turkish-Cypriot Legislative Assembly, in the northern tier of the country, decided to name that part of the country the "Turkish Republic of North Cyprus." I am angered and saddened by the shortsightedness and insensitivity of this illegal action. To appreciate the amount of damage which this decision creates, let me briefly review the tragic history of that island.

In 1974, Turkey invaded and occupied the island and thousands of innocent Cypriots were killed. Turkey claimed that it acted in order to protect the Turkish community on the island. Over 40 percent of Cyprus has been occupied by over 30,000 Turkish troops.

Over 1,600 Cypriots are still reportedly missing and unaccounted for. The Turkish Government has done very little to pursue a search for these missing innocent civilians.

In recent years, the Turkish Government has intentionally settled Turkish nationals in Cyprus and has distributed Greek property to them. Most of that island's productive areas, from an economic point of view, are now in Turkish hands. Over 40,000 Anatolian Turkish settlers have been given large areas of northern Cyprus, and over 200,000 native Cypriots have been forced from their villages. The great irony in this illegal settlement program is that, historically, 78 percent of the population of Cyprus has always been Greek Cypriot. Only 18 percent of the people have been Turkish Cypriots.

This tragic and shameful Turkish siege has denied self-determination to the people of Cyprus. This sad occupation of a sovereign country has placed economic, social, and cultural burdens on the Cypriot population. It has created a significant refugee problem on the island. Over 200,000 native Cypriots have been forced from their villages.

Since 1974, the U.N. Special Representative has sought a solution to the complex problems of the Cyprus dispute, but progress has been nil thanks to the intransigence of the Turkish Cypriots. I now realize that the intercommunal talks were being used by the Turkish Cypriots as a smoke screen to give them time to consolidate their position. Although the Greek-Cypriot showed flexibility and initiative in the ongoing negotiations, Greek-Cypriot President, Spyros Kyprianou was correct when he recently said that Turkey's "philosophy of division" had caused the deadlock in the talks.

Turkish complicity in the recent move is obvious to all. I was not surprised to learn that Turkey immediately recognized the new Turkish Republic of North Cyprus. The Turkish Foreign Minister had the audacity to say that Turkey had "decided to recognize the Turkish Republic of Northern Cyprus after a detailed examination of the situation." Knowing full well how Turkey invaded the island and settled Turkish nationals there, he said: "With their own national will,

the Turkish Cypriot people have proclaimed their independence using the right to self-determination."

Fortunately, world opinion is moving in the other direction. At the United Nations, Britain and Cyprus requested an emergency session of the Security Council. Secretary General Javier Perez de Cuellar expressed his deep regret over the unilateral declaration of independence. This unfortunate decision creates a major obstacle to U.N. and U.S. efforts to end the effective partition of the island.

I commend the Department of State for quickly condemning this unilateral decision on the part of the Turkish-Cypriots. This foolish decision on the part of Turkey and the Turkish-Cypriots can only lead to further strife, tension, and possible bloodletting.

I am confident that my colleagues in this Chamber will join me in condemning this hasty and unwise decision. It runs counter to the long-term interests of both Greece, Turkey, and all groups on the island of Cyprus. Our Government should do everything in its power to insure that the Turkish-Cypriots rethink this unwise move and return to the bargaining table in the intercommunal talks.●

ACAP ENDORSES REDUCTION OF AVIATION USERS TAXES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MINETA. Mr. Speaker, five of our colleagues and I recently wrote to the Members of this House seeking their cosponsorship of legislation to reduce aviation users taxes (H.R. 4054 and H.R. 4055).

I have just received an enthusiastic endorsement for that legislation, on behalf of the consumers of air travel, from the Aviation Consumer Action Project (ACAP). As this may be of interest to the Members as they consider whether to cosponsor this legislation, I insert ACAP's letter in the RECORD at this point:

AVIATION CONSUMER ACTION PROJECT,
Washington, D.C., November 8, 1983.

Hon. NORMAN Y. MINETA,
Chairman, Subcommittee on Aviation, Public Works and Transportation Committee, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN MINETA: We are writing with regard to H.R. 4054 and H.R. 4055 which would reduce the rate of aviation related taxes. As you know, ACAP is a non-profit consumer group founded by Ralph Nader in 1971.

We applaud your efforts to bring about a reduction of the passenger ticket tax. The collection of taxes from passengers which then sit around in the airport and airways trust fund balancing the budget for OMB is nothing less than a billion dollar passenger rip-off. It is also a threat to air safety since much of the money was earmarked for safety improvements.

We support your plan to bring about an end to this sham which hurts passengers more than any other element in the aviation community. With 300,000,000 enplanements each year, you can be certain that we are not the only ones who appreciate Congressional efforts to promote economic air travel and passenger safety.

Sincerely,

MATTHEW H. FINUCANE,
Executive Director.●

H.R. 4325

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MILLER of California. Mr. Speaker, this legislation, the child support enforcement amendments of 1983, addresses a very critical and growing issue: How to insure that our children have sufficient income to escape poverty. This is why child support has become such an important domestic policy issue.

We have learned at the Select Committee on Children, Youth, and Families that almost three million children have become impoverished since 1970. Today, children are more likely than any other age group to be living in poverty with all the risk factors we know that accompany that status. Obviously, this situation creates terrific potential for problems within our society as well.

In part, child poverty is caused by divorce and out-of-wedlock births, both of which are dramatically rising. Between 1970 and 1982, the number of children living in female headed households rose from 7.5 million to 12.5 million children. It is to meet the needs of children living in these circumstances that more adequate support mechanisms are required.

If we do not act today, nonsupport of children will continue. The Census Bureau reports that barely one-third of the children whose fathers are absent receive child support. The mean annual support received is $1,799, hardly an adequate amount for raising a child in today's economy.

Although child support, like divorce, has traditionally been regulated by State law, since the mid-1970's the dimensions of the nonsupport problem have focused Federal attention on the issue. In 1975, Congress began taking steps to require States to help locate absent parents and enforce the payment of support. We know now, however, from looking at the statistics on children in poverty, that it is time to make another adjustment in our child support enforcement programs.

During the 98th Congress, numerous bills have been introduced to strengthen child support enforcement. The Subcommittee on Public Assistance and Unemployment Compensation held hearings and, after careful consideration, marked up H.R. 4325, the Child Support Enforcement Amendments of 1983. The bill is designed to encourage States to adopt stronger enforcement mechanisms, and to provide incentives for States to improve their support enforcement programs.

A basic provision of H.R. 4325 makes it explicit that State child support enforcement programs shall serve both AFDC and non-AFDC families. This is a welcome advance. Currently, many States concentrate primarily on collections from AFDC families, leaving non-AFDC families to fend for themselves. If they are unsuccessful in their collection efforts, nonwelfare families may be forced onto the welfare rolls. Surveys show that default on child support payments is not limited to the poor. It is the intent of H.R. 4325 that State child support enforcement programs assist non-AFDC as well as AFDC families obtain the child support payments to which they are entitled.

During the past year I have heard from divorced fathers who are concerned over the linkage made between support and visitation rights. H.R. 4325 recognizes this concern and directs the Governors of each State to appoint a State Commission on Child Support, which would examine the functioning of the State's child support enforcement program and a variety of support issues, including visitation. These Commissions will permit each State to monitor its own program and problems before making public its findings by October 1, 1985.

The Ways and Means Committee has studied the problems with the current child support system, and has put forth legislation that should improve it. I urge my colleagues to vote in favor of H.R. 4325. Better child support enforcement cannot, by itself, solve the problems of poverty among all single parent families and children. But it is one positive, overdue, and necessary step in the right direction.●

OPPOSITION TO THE ADDABBO-GREEN STRIPED BASS AMENDMENT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FISH. Mr. Speaker, an amendment has been added to the second supplemental appropriation bill for fiscal year 1984 that purports to save the striped bass which winter in the Hudson River estuary in the area of the proposed landfill for construction of the Westway project. The amendment would allow construction to begin, without completing a compre-

hensive environmental impact statement.

My opposition to this amendment has nothing to do with the merits of the Westway project. The decision to go forward with Westway should not be a Federal concern, but rather a decision for New York City and New York State pending the outcome of appropriate environmental studies. At issue is not the project, but the way in which this amendment attempts to circumvent not only the judicial process, but also Federal environmental protection laws passed by Congress to address serious environmental concerns of the American people.

This amendment is poor policy for several reasons. It would override a Federal district court order, upheld by the court of appeals, which prohibits further work on Westway until the Army Corps of Engineers makes a determination as to the need for further studies on the effect of the landfill on aquatic life. The amendment circumvents provisions in section 404 of the Clean Water Act and section 10 of the River and Harbor Act which require the corps to make its decision on a dredging permit based on its and other Federal agencies' analysis of whether the dredging would have adverse effects on water quality and aquatic life. The construction that this amendment would allow is expressely forbidden unless the corps determines that the project should proceed.

Until the corps makes such a determination, which this amendment declares unnecessary, the project will not be in keeping with applicable environmental laws. Paragraph 2 of this amendment claims not to exempt the project from NEPA. However, the amendment requires as a condition to granting the permit a replacement habitat and an enhancement study. Clearly this overrules the National Environmental Policy Act requirement of a comprehensive environmental impact statement, before a work permit is given, and work is begun. In addition, none of the congressional committees with jurisdiction over the Westway project and the environmental laws which apply to it have reviewed this provision.

Overriding current Federal environmental law would establish an intolerable precedent—other federally funded projects which do not want to meet Federal environmental requirements will also seek exemptions.●

THE EQUAL RIGHTS AMENDMENT IS NOT A NONCONTROVERSIAL MATTER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DANNEMEYER. Mr. Speaker, yesterday afternoon, as the word spread that the proposed equal rights amendment was going to be brought up under suspension of the rules, I simply could not believe my ears. My understanding was, and is, that the Suspension Calendar was to be reserved for noncontroversial matters involving authorizations of $100 million or less, and not for highly controversial proposals to which Members could be expected to offer a multitude of amendments. Now I understand the math involved—it takes just as many votes to pass a proposed constitutional amendment as it does to pass something under suspension of the rules—and I understand the politics of it—proponents do not want any amendments—but good math and good politics do not make good policy or good precedent. And especially when the very framework of our Government—the Constitution itself—is directly involved.

Mr. Speaker, contrary to what some people would have us believe, House Joint Resolution 1 leaves a lot of unanswered questions, questions that the courts would no doubt have to deal with. For instance, would the ERA permit Federal funding of abortions? Would it end the veterans perference? Would it subject women to combat as well as the draft? Would it end the fraternity and sorority system as we know it? Would it wipe out tax exemptions for single sex colleges, the Catholic Church or Orthodox Synagogues? Would it require unisex insurance? Would it countenance homosexual and lesbian marriages? Would it affect existing seniority systems on the job? Would it mean co-ed sex education classes and would it invade the privacy of millions of Americans in other, personal ways? Personally, I think that, in many instances, the answer is "yes" but regardless of what I think, or other Members think, if we pass the proposed amendment under suspension of the rules, we will waive our opportunity to answer these questions and, if necessary, to offer amendments that might ease whatever concerns we might have. Indeed, we will abrogate our responsibilities as legislators and turn this whole matter over to the unelected branch of our Government, the judiciary, to decide. Now that might be agreeable to some, but I think most Americans would prefer that we, as their elected representatives, exercise our own judgment in this matter and not resort to what can most charitably be described as a slick political finesse.

Mr. Speaker, even if one agrees that all these questions should be decided by the courts, using the Suspension Calendar is not the way to accomplish that objective. It makes a mockery of not just the suspension process but the constitutional amendment process. At best, it represents a flagrant exercise—some would say abuse—of power; at worst, it establishes a precedent for laying aside the rules to accommodate the whims of a political majority. In either event, the consequences could be far reaching and I urge my colleagues to head them off before they occur. And the easiest way to do that is to vote "no" when House Joint Resolution 1 comes up under suspension of the rules. At least let us have a full and fair debate, with ample time to consider amendments. Let us not generate any more hostility than this amendment has generated already.●

IN HONOR OF THE LATE JAMES E. McDONOUGH, AMERICAN MARINE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. KOLTER. Mr. Speaker, I would like to include in today's RECORD the last writings of James E. McDonough, a young marine from the Fourth Congressional District, who was killed in the tragic explosion that claimed so many American lives in Beirut last month. These are no ordinary letters home. Young Mr. McDonough was no ordinary young man. It seems that he communicated home by sending poetry, poetry that he had written while he was risking his life for his country on military duty in a foreign and hostile land.

These two poems were given to me by his mother who says that they were the last letters she received from her son before he died. They show the deepest thoughts of this young man at the time when he and many other young American men much like him were under fire from an enemy they could not see or fire upon. His thoughts were of family and country and duty. One poem even states his belief that the meaning of freedom was in part—dying for your country. Freedom does indeed mean that. We are all free because of men and women like James McDonough, who were willing to make the sacrifices that the rest of us might live free from oppression, and free from fear. The poems speak for themselves. James McDonough speaks for all in America that is bright, strong, young, and good.

The poems follow:

FREEDOM OR LOVE OF LIFE

(By James (Mack) E. McDonough)

If freedom is to be free, then what are we to be free of?
Are we to be free of the world, other people or ourselves?
There is no such thing as freedom.
Freedom is nothing but a myth.
A man's opinion against another man's. Who is to say he's wrong and who is to say he is right.
Freedom is a word well used by all, yet all have a different opinion of freedom.
Freedom might mean to have no cares, yet show me a man alive with not a care in the world.
Is freedom working eight hours a day and paying bills, to some men it is.
Living on the open plains "Where the deer and the buffalo roam." Being free from all people is freedom to another man.
Yet has he no cares of getting food and shelter and of other people who knew him back in civilization.
Freedom is dying for your country or is that just another opinion of how a whole country can differ from another.
Freedom to me is enjoying what I do and how I go about it and just being happy.
Is that really Freedom or is it just Love of Life?

LOVE OF A MOTHER

(By James (Mack) E. McDonough)

A window is a transparent thing, and yet it holds many sights.
The moon is so far away, and yet it brightens up our nights.
The wind is a source you'll never capture. You can feel its gentle breeze, or the wrath of its awesome might.
A flame can destroy the entire earth, and yet it could give you warmth, and light
The seas are an ever changing source, from fresh water to salt, from vapor to ice that reaches never ending heights.
Put all of these things together and yet it could never replace one Mother.
A Mother teaches from wrong to right and stands besides you either way.
She's always there, bad or good she will always protect and guide you.
All the sources in the world could be understood, but you'll never understand the never ending Love of a Mother.

Happy birthday Mom, with all my love.

JIM.●

THE $200 BILLION DEFICITS AND THE DOMESTIC AUTO INDUSTRY

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. WOLPE. Mr. Speaker, as a member of the House Budget Committee and a Representative from the State of Michigan, I would like to draw the attention of my colleagues to the impact of $200 billion annual Federal deficits on our domestic auto industry.

In recent testimony before the House Budget Committee, Dr. Martin Feldstein, Chairman of the President's Council of Economic Advisers, stated that "It is present and projected deficits that I think are unambiguously increasing real interest rates."

It is a well-established fact that high interest rates dampen demand in some sectors of the economy, such as autos and housing. However, the impact of high "real" interest rates on international trade—and, therefore, the auto industry—is not as widely known. "Real" interest rates are defined as the amount by which market interest rates exceed the rate of inflation. These high real interest rates attract foreign investment to this country which increases the value of the dollar in comparison to other currencies. This strong dollar is great if you want to go shopping in Europe. However, it also makes imports cheaper in this country, while making our exports more expensive in the international market. This situation clearly puts domestically produced autos at a competitive disadvantage.

To illustrate the consequences of this situation, I would once again like to quote from Dr. Feldstein:

* * * this kind of deficit ($200 billion per year) would * * * in the near term, as I have warned many times in the past, produce a lop-sided recovery in which, because of the high real interest rates that follow from these budget deficits, the interest-sensitive sectors of the economy just will not fully share in the overall recovery.

Dr. Feldstein's testimony clearly indicates that a sustained economic recovery will bypass the auto industry if we do not reduce these $200 billion deficits that are responsible for high real interest rates.

I am convinced that the first step in finding a solution to the deficit crisis is to stop the partisan finger pointing. Democrats and Republicans, the President and the Congress, must agree to joint in a bipartisan effort to produce a deficit reduction program that will fairly spread the burden of sacrifice. To this date, the President has been unwilling to joint in such an effort. I sincerely hope that the President will listen to the economic analysis of Dr. Feldman—his own economic advisor—and join with congressional Democrats and Republicans to effectively address this crucial problem in a bipartisan fashion.●

PROTECTION OF NONSMOKING AIRLINE PASSENGERS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. SCHEUER. Mr. Speaker, throughout the last two decades, our knowledge of the dangers present in cigarette smoking has expanded dramatically. We have launched campaigns to warn smokers of the hazards posed to their health. We have also enacted a variety of laws at the Federal, State, and local levels to protect nonsmokers from the discomfort and danger of breathing tobacco smoke. Only recently are we learning about the potential harm tobacco smoke may have on the health of nonsmokers who breathe that smoke.

Smoking is banned or segregated in many public buildings, supermarkets, restaurants, and stores. Just last Tuesday the voters of San Francisco approved a referendum requiring employers in public and private offices to make accommodations for both smoking and nonsmoking employees. If these accommodations do not satisfy nonsmokers, then smoking must be prohibited.

Nonsmoking sections have been established in public transportation as well, including airplanes. However, on January 1, 1985, the Civil Aeronautics Board (CAB), the agency which currently regulates smoking aboard aircraft, will cease to exist under the sunset provisions of the Airline Deregulation Act of 1978. Unless we act now, in just over a year, airline passengers will be left without any protection against indoor air pollution caused by smoke. I rise today to introduce legislation for myself, the gentleman from California (Mr. WAXMAN), and the gentleman from Florida (Mr. YOUNG), which will codify existing CAB regulations governing smoking aboard aircraft.

These regulations were established more than a decade ago in response to health dangers posed to nonsmoking airline passengers from breathing smoke. In August, my Subcommittee on Natural Resources and Environment held hearings on the effects of indoor air pollution. Witnesses testified on recent studies indicating that passive smoking—breathing indoor air polluted by tobacco smoke—may pose serious health risks to nonsmokers.

Researchers continue to explore this issue with the goal of eventually being able to measure indoor smoke levels and to quantify exactly what levels constitute a substantial health hazard. Although much research remains to be done, we already know that a significant danger exists.

As we approach the CAB's termination, we must make certain that consumer health and safety needs are addressed. This bill will insure that nonsmoking airline passengers are not unreasonably burdened by tobacco smoke by requiring carriers to: Provide a no-smoking section for each class of service; Provide a seat in a no-smoking section to any passenger who wishes to sit there as long as he arrives within a specified length of time prior to the scheduled departure as determined by the airline; Prohibit cigar and pipe smoking; Prohibit tobacco smoking of

any kind whenever a plane's ventilation system is not fully functioning.

This bill will not ban smoking on airplanes. It will set in place permanently the regulations that have been adopted by the CAB or voluntarily established by the airlines themselves. The CAB has reviewed these regulations in light of the changes that have come about since deregulation and has decided to maintain them to protect the health and comfort of the traveling public.

While many of the CAB's functions will be transferred to other departments when the agency expires in 1985, it is unclear what will happen to its consumer protection authority. This could well fall between the cracks in deregulation. While the Federal Aviation Administration has authority to regulate safety, it is not clear that the FAA has either the authority or the will to regulate health—and smoking in particular—when the CAB goes out of business. Accordingly, we are directing the FAA to exercise this authority to insure that these regulations remain in place.

Without this legislation, we will leave nonsmokers at the mercy of the airlines, who will have complete responsibility for determining smoking policies—if they choose to establish any guidelines at all. It is in the interest of the flying public, for their health and safety, that we retain the current regulations governing smoking aboard aircraft to prevent consumers from being left without any protection in 1985. I urge my colleagues to support this essential health legislation.

The text of the bill follows:

H.R. 4395

A bill to regulate smoking on board passenger-carrying aircraft

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"REGULATION OF SMOKING ON PASSENGER-CARRYING AIRCRAFT

"SEC. 613. The Administrator shall, not later than 180 days after the date of enactment of this section, issue final regulations to ensure that nonsmoking passengers in air transportation are not unreasonably burdened by tobacco smoke. Such regulations shall apply to each operation of an air carrier involving the carriage of passengers in air transportation in an aircraft having more than 30 passenger seats and shall, at a minimum, require each air carrier to—

"(1) provide a no-smoking section for each class of service;

"(2) provide a seat in a no-smoking section in the appropriate class of service for each passenger who wishes to be seated in such section and presents himself for boarding not later than a specified length of time, as determined by the air carrier, before the scheduled departure time of the aircraft;

"(3) prohibit all smoking of cigars and pipes; and

"(4) prohibit the smoking of tobacco whenever all parts of the ventilation system of an aircraft are not in working order or are not operating at the capacity designed for normal service.".

(b) That portion of the table of contents which appears under the center heading

"TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS"

is amended by adding at the end thereof:

"Sec. 613. Regulation of smoking on passenger-carrying aircraft.".

SEC. 2. Any rule or regulation adopted by the Civil Aeronautics Board relating to the smoking of tobacco aboard aircraft shall not be in effect on or after the date on which regulations issued by the Administrator of the Federal Aviation Administration under section 613 of the Federal Aviation Act of 1958 take effect.●

BULLETS FROM GRENADA TO AFGHANISTAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BROOMFIELD. Mr. Speaker, I recently returned from a brief fact-finding trip to Grenada. I believe that all of the Members in the delegation were deeply concerned about the vast quantities of arms that we saw there. Six large warehouses were filled with a wide range of Soviet, Cuban, and North Korean military equipment including antiaircraft guns, heavy machine guns, mortars, and antitank weapons. Nearly 6 million rounds of ammunition were recovered. We also saw many armored personnel carriers, and other military vehicles.

These quantities of arms and ammunition far exceeded the needs of Grenada, a small island with a population of only 110,000 people. It became obvious to all of us that the Cubans and their Soviet backers had plans for Grenada. They were planning to use it as a base for terrorist and guerrilla operations in the Caribbean area.

As part of this plan, the Soviets established a large embassy in Grenada. Diplomats and advisers from Cuba, Libya, East Germany, and North Korea were active on the island. The Soviets had a four-star general as Ambassador there. Is there any wonder what his mission was?

What should we do with this array of military gear? I have a suggestion. Let us send it to the struggling people of Afghanistan. As all of you know, the people of that besieged nation are trying to throw out their occupiers. Over 100,000 Soviet troops now control that once peaceful land. The Afghan guerrillas are desperately short of arms and ammunition. I have seen recent reports that these brave patriots are using ancient rifles and often have to fabricate their own weapons. Why do not we help these people and send them weapons that the Soviets and Cubans were planning to use against the free and democratic nations of the Caribbean?●

MOVING THE AMERICAN EMBASSY FROM TEL AVIV TO JERUSALEM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. GILMAN. Mr. Speaker, today I am introducing legislation which would require our Government to firmly acknowledge its diplomatic ties with the State of Israel by recognizing that Jerusalem is Israel's capital, and by establishing our Embassy and ambassadorial residence in the city of Jerusalem. I urge my colleagues to join me in this effort, so that the current practice of maintaining our Embassy in Tel Aviv may be changed.

Jerusalem is Israel's capital—a fact that will not change with the passage of time. In our diplomatic relations with other nations, we afford them the courtesy of maintaining our Embassy in their capital city. With Israel, one of our strongest allies, we do not even extend this basic courtesy. By our resistance to move our Embassy from Tel Aviv to Jerusalem, we do a disservice to the Government and people of Israel as well as ourselves. We are perpetuating a political mistruth.

This denial of the most basic recognition of the Israeli Government has been continued by eight successive administrations, since Israel's inception in 1948. Not only do we maintain our Embassy in a city that is not the capital, but our diplomatic representatives are forbidden from traveling to the eastern portions of that city. The Government of Israel maintains some ministerial offices in that sector, which precludes any meetings between our representatives and theirs. A recent situation which illustrates this problem occurred in June, when Deputy Assistant Attorney General Mark Richards was to meet with Yitzhak Zamir, Israel's Attorney General. They were to meet in order to discuss the possibility of Israel's accepting for trial in Israel several former Nazis and Nazi sympathizers now living in the United States. When it was discovered that the Justice ministry was located in the eastern portion of Jerusalem, this long-planned and important meeting was delayed, and we have thus far not completed these discussions.

It is time we stopped treating Israel as if it were a country without a capital. Jerusalem is the essence of Israel, acknowledged by the Government of Israel as its capital, and a city whose illustrious history deserves such a designation. Since the State Department is unwilling to correct this situation, it

is incumbent upon the Congress to correct this anachronism by adopting my legislation, which requires that the U.S. Embassy in Israel be located in Jerusalem, Israel's capital city. The Israeli Government announced its intention to move many of its governmental offices to the eastern portion of the city. If we do not rectify the situation in the near future, we will find our diplomatic representatives unable to carry on their liaison work with their Israeli counterparts. Should a majority of the Israeli governmental offices be located there, much of our diplomatic efforts will be hampered. Accordingly, I urge the support of my colleagues for this measure, and ask that the full text of this measure be printed in this portion of the RECORD for their review:

H.R. 4376

A bill to require that the United States Embassy in Israel be located in the city of Jerusalem

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other Act, the United States Embassy in Israel and the residence of the American Ambassador to Israel shall hereafter be located in the city of Jerusalem.●

THE EQUAL RIGHTS AMENDMENT AND THE MILITARY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FAZIO. Mr. Speaker, we meet today to cast our votes on a matter of supreme importance to this Nation: the equal rights amendment. This amendment was the subject of thorough consideration by the House Judiciary Committee and by this body when it originally passed in 1972.

The ERA is not complex; it simply provides constitutional affirmation to the guarantee that women shall be treated equally with men under the law. A look at the economic position of women in this Nation relative to pay and other traditional forms of compensation lends quick and proper justification to the concern that the multitude of laws already on the books to assure women economic equity are not adequate and that a constitutional safeguard of these rights is fitting and proper.

However, opponents of the ERA have sought to complicate this issue by confusing its meaning and drawing upon popular but unsubstantiated fears. One area in which this is most commonly attempted involves the ERA's effect on military service. Congress had debated the issue of drafting women, and no doubt will continue to do so regardless of the fate of the ERA. But there are other issues beyond the draft which rightly concern women with regard to their legal rights and the military.

Concern has been expressed within this body that the ERA will undermine veterans benefits. And yet this concern, based on an assumption that to be a veteran is to be a male, highlights the very need for the ERA since women are veterans, and as veterans women have been denied the full benefits entitled to their male counterparts. The ERA will equalize veterans benefits between men and women veterans. It has no bearing on the compensation afforded veterans versus nonveterans.

The military is the largest employer and educator in the Nation. Furthermore, the share of all active duty military personnel that women constitute is on the rise. Yet present policies and attitudes limit the contributions women can make in the armed services and restrict the benefits military participation can engender, such as full veterans' health care, veterans' education benefits, and veterans' preference in Government employment. For example, veteran hospitals are not fully equipped to deal with the health care needs of women. Consequently, women veterans often must seek medical care outside of VA facilities on a fee basis. Sadly, many women veterans are not even aware of the veterans' health benefits to which they are presently entitled. Equally important, women are not obtaining the lucrative benefits available through the military/industrial connection since they are missing opportunities for high paying private sector jobs available to former service members with defense-related skills.

The 1980 census indicated that the female veteran population has risen from approximately 750,000 to over 1.1 million. Yet it cannot be denied that inequities for women veterans have existed. I call the attention of my colleagues to a September 1982 GAO report entitled "Actions Needed To Insure That Female Veterans Have Equal Access to VA Benefits," which concluded that while the Veterans' Administration has made some progress in insuring that medical care and other benefits are available to eligible female veterans, there are still deficiencies in providing services to meet the needs of the female veteran population.

My point is that women have made important contributions to the armed services, a growing number of women are now contributing to the armed services, and, with the growth of high technology weapons systems, the participation of women within the military is destined to grow. The ERA does not create new trends in terms of women and the military, but it can help us recognize and address existing trends. As in other aspects of American life, the ERA will assist those women who are part of the armed services in receiving the equal protection under the law that they deserve.●

THE TIME FOR ECONOMIC EQUITY IS NOW

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. WON PAT. Mr. Speaker, I am pleased as a cosponsor of House Joint Resolution 1, the equal rights amendment to the Constitution, to offer my support before my distinguished colleagues today. The people of Guam have already embraced the tenets of this amendment on a local level, through the efforts of a wise and responsive legislature. On behalf of the people of Guam, I urge this Congress to pass the proposed amendment before them today.

There are those who contend that an amendment to guarantee the equal treatment of women under the law is unnecessary. But the reality of the grim economic condition that women endure forces us to realize that this is a false contention.

If there is no need for this measure, why do our Nation's women earn only 60 cents to every dollar that is made by a man?

If title IX is all that women need to guarantee equal educational opportunity, why are not there even more women entering what will be the vital and, therefore, most lucrative professions in science and mathematics?

And why is it, again, that after earning college degrees, many women make less than males who did not finish high school?

I am concerned here with economic equity; the simple concept of equal pay for equal work. In view of the changing roles of women in our society, we cannot continue to allow what has become the inexpiable feminization of poverty.

I believe that economic equality is the most important issue before us today. Almost half of our work force, approximately 43 percent, is made up of women who have the same desire to achieve and earn that which is available to their male counterparts. This issue cuts to the bone, because money directly affects the quality of the lives women lead.

More women are working now than ever before in the history of this country. Most of them work not only because they want to, but because they have to support themselves and their families. Our country's appalling divorce statistics indicate that over half of the marriages today are dissolved.

We are aware of who will continue to nurture, in the majority of instances, the children who have come from these marriages. It is the woman. Can we in good conscience ignore, because of the gross inadequacy of child-support law enforcement, who will be the major or sole support of these children? I assert that our Government can no longer wear the blinders of ignorance on this issue.

The ERA will strengthen existing prohibitions against sex discrimination in the workplace, and require uniform enforcement of current laws which outlaw bias in wages, fringe benefits, hiring practices, and other conditions of employment. It is a necessary measure that responds to the ambitions and economic needs of women.

The ERA is not the only answer. It will not bring justice overnight. It also will not, as its opponents charge, wreak havoc upon the fragile and precious role of the family in our society. As with past amendments to our Constitution, this one will be shaped and interpreted by the people, the temperament of a nation, and the decisions of our courts.

I urge my colleagues in the House of Representatives to pass this much-needed protection to insure basic equal rights and equal economic opportunity to the women of our country.

I also urge our colleagues in the Senate to take a fresh look at an issue which refuses to go away.●

EQUAL RIGHTS AMENDMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mrs. SCHROEDER. Mr. Speaker, the Subcommittee on Civil and Constitutional Rights held extensive hearings this summer and fall on the ERA. We found that, indeed, ERA is an economic issue. We found that nowhere is this more true than in the military.

The military is the largest employer and educator in the Nation and is one area of Federal law where explicit sex discrimination still exists. Women are denied entry to every service branch, opportunities to be promoted, education and training not on the basis of their capabilities but solely and exclusively because of their sex. These discriminatory policies limit opportunities for women and the contribution they can make to our Nation.

I would like to share with my colleagues three key facts that came out of our hearings in respect to women and the military:

First, there is no static statute, policy, or definition of combat. The Department of Defense changes the definition of combat according to its needs for women's skills, not to protect women from danger. The services operate under a variety of rules and definitions which have been subject to change over the years, are inconsistent among the service branches, and have little or no relationship to actual war planning. Their only effect was to impair women's career opportunities, skill training, and promotional chances.

Second, under the ERA, valid job qualifications would still stand. Military positions would be filled by the most qualified individuals available. Women, like men, who are physically or psychologically unsuited for a combat or combat-related position would be excluded from such an assignment. The ERA would not mandate 50 percent of the military be women.

Third, women can be drafted with or without the ERA. The Department of Defense has already prepared legislation designed to alter existing law so that both sexes can be subject to future conscriptions. Thus, women are currently at risk of being drafted without having first achieved their full constitutional rights.

Congress will still retain its power to grant exemptions from the draft. For example, it could exempt parents with small children, single parents, and others with special responsibilities.

We had before the subcommittee a panel of several bright young women representing every branch of the military establishment. The witnesses included an Air Force captain who flies a KC-135 supply plane that would provide direct support services for combat troops during a time of war, the commanding officer of a Coast Guard cutter with a 16-person, all-male crew, and a Navy test pilot who is trained to fly helicopters that would land on naval vessels engaged in combat.

These women are examples of where the military is today. It is a military of brains, not brawn. Under the ERA, sex classification by the Government would be prohibited, so that the best qualified people would serve. It would strengthen, not weaken, our national defense.

I urge my colleagues to pass the ERA today. We have a 10-year legislative history and positive State ERA experiences. ERA itself is 50 years old this year, but its basic principle is 200 years old, it is the principle that our Nation was founded upon—equality of rights for all.

This vote today is one that your daughters and granddaughters will thank you for.●

THE EQUAL RIGHTS AMENDMENT

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DAVIS. Mr. Speaker, the House leadership has done serious disservice to the cause of equal rights for women. The equal rights amendment was used as a pawn today by those who are more concerned with creating a compaign issue than passing House Joint Resolution 1. Americans who are disappointed with the outcome of this vote should find fault with those who opted to bring the bill to the floor using questionable means, not those of us who voted not to suspend the rules. If the Democratic leadership had the interest of the ERA first, over political considerations, the bill would have come to the floor allowing Members' concerns to be addressed.

I have been a consistent supporter of the ERA. I voted for its ratification while serving in the Michigan State Legislature and am a cosponsor of House Joint Resolution 1. My vote against suspending the rules was not a vote against the ERA, but a statement against the bullying tactics to which we in the minority party are so often subjected.

The Suspension Calendar is intended for noncontroversial measures. To allow a measure as important as amending the Constitution to come to the floor under suspension of the rules is, at best, inappropriate. If any issue this body considers demands free and open debate, certainly it is amending the Constitution. Particularly in this House, the body of the people, discussion should have been encouraged, not stifled. The majority party's opposition to potential ERA amendments should not be allowed to prevent Members from even offering them.

Immediately followed the vote to suspend the rules, I was the third cosigner of the resolution calling for House Joint Resolution 1 to be brought to the floor with an open rule allowing for 4 hours of debate. I believe that once House Joint Resolution 1 is considered under such a rule—regardless of whether any amendments are ultimately adopted—we will see it pass the House on the basis of its merit and unobscured by partisan political considerations.

Because there is little doubt that the ERA can pass the House, the majority party's tactics can only be interpreted as a political ploy. The ERA was sold out for election year ammunition.●

THE EQUAL RIGHTS AMENDMENT

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. WIRTH. Mr. Speaker, America is a nation which was forged under the concepts of freedom and equality under the law. Our revolutionary patriots fought for their right to worship, live, and work united under one flag, together as one nation. It is time, once again, to unite as a nation—in accord with the principles of freedom and equality—and rally to support the equal rights amendment.

We have a continuing need for a Federal equal rights amendment so that equal rights for all Americans can finally become a reality. Measured by any standard, gender lines have not been erased in our society. Although State, local, and Federal governments may act in absence of the ERA to promote equal rights, the current reality is that without the amendment, governments at all these levels have not taken the steps necessary to end the sex bias that continues to intrude upon the lives of women and men in this country.

The equal rights amendment will acknowledge the homemaker as an equal contributor to the family and respect the rights of economic partnership. It will serve as the vehicle to promote the equalization of pay and benefits regardless of sex, and will serve to abolish discrimination against women working outside the home. In that regard, let us not forget that women presently compose 43 percent of the national work force. The ERA will also champion equality within schools, insurance, and pension programs. It will guarantee that women and men are accorded equal treatment and opportunity in the Armed Forces on the basis of their individual skills and abilities—the military being the largest vocational training center in the country.

The familiar battle cry that ERA will promote homosexual marriages, unisex bathrooms, abortion privileges and discriminate against the homemaker is a false siren. Within States where equal rights amendments have been implemented, the amendment has not been used as an umbrella to protect or promote other legislation pertaining to women. Such legislation has been and remains debatable on its relative merits alone, and not simply enacted as a direct result of an ERA amendment. Accordingly, we need not obfuscate the language of the amendment before us with additional language, such as the Sensenbrenner amendment, which seeks to tie the ERA to abortion. Abortion is a separate issue entirely and must continue to be considered as such.

Colorado is one of the 17 States that has adopted its own ERA by amending its constitution in 1972. The citizens of the State reaffirmed that stance by decisively rejecting an initiative to deratify in 1976. The Colorado Legislature is also one of the first to have ratified the national ERA. I have consistently voted in accordance with the sentiment of the people of Colorado in this regard—by supporting the extension of the ratification deadline; by cosigning a letter to State legislatures in unratified States; and by cosponsoring both the initial ERA legislation, its subsequent reintroduction and its passage today under suspension.●

ON EQUAL RIGHTS FOR WOMEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. HOYER. Mr. Speaker, today we vote on whether to resubmit the equal rights amendment to the States for ratification as the 27th amendment to the U.S. Constitution. For those of us who believe in and are deeply committed to the equal dignity of all individuals, the equal rights amendment is essential. What we are seeking today is to secure equal justice under the law, a basic guarantee of equal rights—for all individuals. Surely we can no longer tolerate discrimination based upon gender. It is at odds with notions of fundamental guarantees generally accorded most Americans.

I am very proud to state that in April 1972 the Maryland General Assembly, of which I was a member, passed an amendment to the declaration of rights of the Maryland constitution known as the equal rights amendment. On November 7, 1972, by a vote of 697,107 to 236,007, the voters of Maryland ratified the Maryland equal rights amendment and, on December 5, 1972, the amendment became law. In the past 11 years since enactment of the amendment, numerous extensive legislative reforms have been enacted. Domestic workers have been brought under the coverage of the Maryland minimum wage and workers' compensation laws. Health insurance offered in the State must offer benefits for maternity coverage to the same extent as other illnesses and these benefits cannot be denied on the basis of marital status. Discrimination on the basis of gender is prohibited in credit, housing, and mortgage financing.

The fears expressed by opponents that passage of the ERA would result in less protection for women have proven groundless. Maryland's equal rights amendment has not interfered in such areas of privacy as abortion, homosexual relationships, or family matters. What the amendment has done in Maryland is insure that all individuals receive fair and equal treatment under the law.

The rights of individuals vary significantly from one State to another. We have recognized that certain principles of individual dignity transcend the vagaries of State laws. The States are not at liberty to hinder interstate commerce, to discriminate on the basis of race, national origin, or religion, or to impede freedom of speech. The equal rights amendment expands the scope of this Federal scheme to mandate that, regardless of gender, all individuals are entitled to equal justice under the law.

We need to set aside the myths that surround the arguments of those who oppose equal rights for women. Present laws have miserably failed to sufficiently redress a long history of unequal treatment. Such laws are riddled with exceptions and are subject to the changing whims of legislators.

The social and economic costs to our society are immeasurable. That we relegate a majority of our citizens to second-class citizenship is an affront to basic principles of democracy. In addition to the personal humiliation and hurt, the social and economic impact of gender discrimination has become devastating.

Employed women today receive, on the average, 59 cents for every dollar earned by men. The primary reason is an insidious, subtle, historical phenomenon termed "occupational segregation." We need go no further than a cursory examination of the crisis in this country's educational system for an example.

The teachers of this country have been predominantly female, and, as such, our educators have traditionally been underpaid. Despite the fact that we entrust the intellectual instruction of our children to them; despite the requisite skills, responsibilities, and extensive training we demand of our educators, because it is an occupation historically filled by women, it has become a profession shamefully underpaid and the long-range costs are now being felt, as our most qualified and educated women look to other, more highly paid fields of endeavor.

Because women have been viewed as transitory sojourners in the labor market, present employment opportunity laws have failed to eradicate pervasive discriminatory practices in the labor force. Present social security laws fail to recognize the economic value of the homemakers' service.

We are also witnessing a phenomenon known as the feminization of poverty. More than one-half of the total number of poor families in this Nation

are headed by women. Almost 75 percent of minor children in households headed by women live in poverty. If this trend continues, it is estimated that 100 percent of the poverty-stricken in the year 2000 will be women and their children. Yet ERA opponents claim that women are protected enough now by current laws on the books. The facts indisputably deny such an assertion.

I urge my colleagues to support the equal rights amendment. The shackles of inequality are oppressive. They bind the oppressed to suffer personal indignities and the oppressors to inflict these indignities upon their fellow Americans.

We, as supporters of the equal rights amendment, wish all Americans to share the fruits of our society. My opponents offer women crumbs fallen from the table.●

EQUAL RIGHTS AMENDMENT

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MORRISON of Washington. Mr. Speaker, I voted for the equal rights amendment—ERA—today because I am a strong believer in legal equity for women, but cast my vote with a great deal of protest.

I supported identical language in the Washington State Legislature 11 years ago, but feel that the House of Representatives made a tragic mistake in bringing the ERA to the floor under suspension of the rules. The Suspension Calendar is intended for noncontroversial, minor measures that can be considered quickly and is not the proper way to amend the Constitution.

I believe that several of the proposed amendments to the current wording address issues also of concern to many of the State legislatures which did not ratify the original amendment. While I am not committed to the support of any amendment, complete discussion of these controversial issues is necessary to alleviate and clarify many unnecessary concerns in order to achieve final ratification.

It will make far more sense to schedule this measure again for next session when it can be fully considered under the normal legislative process. This proposal must be approved, but debate should be encouraged and all amendments should be considered and voted upon.●

ERA: YES—SUSPENSION OF THE RULES: NO

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LOWERY of California. Mr. Speaker, I rise in ardent support of House Joint Resolution 1, the equal rights amendment. However, I take strong exception to considering this constitutional amendment under suspension of the rules.

As you are well aware, Mr. Speaker, the Suspension Calendar is usually reserved for bills which can be passed without controversy or dissent. For example, this week's Suspension Calendar includes the following: House Concurrent Resolution 111, commemorating Ukrainian famine; Senate Concurrent Resolution 76, congratulating Lech Walesa; House Resolution 136, commending the Dominican Republic for efforts to achieve democracy; and H.R. 2644, Cape Hatteras National Seashore. In view of this sampling, the ERA is a most inappropriate candidate for consideration under suspension.

Regardless of how one feels about the ERA, it is clearly the most controversial constitutional amendment proposed in our lifetime. Bringing this matter to the floor under abbreviated procedures and even before the report from the House Judiciary Committee has been presented to the Members is an affront to the Constitution and the House of Representatives. To choke off debate and to flatly refuse amendment of this important and comprehensive legislation debases our democratic institutions.

I am appalled by the cavalier manner in which the Democratic leadership of the House has chosen to deal with such an important piece of legislation. To schedule the ERA at the last minute, prior to publishing the report in the CONGRESSIONAL RECORD, removes the possibility of informed debate, the hallmark of the democratic process. Riding roughshod over this amendment is not the way to instill respect and support for the ERA throughout the country.

The issue today is not support or opposition to the ERA. The issue is the integrity of the U.S. Constitution and the rules of the House of Representatives.

American women deserve better—better than a 20-minute discussion per side, allowing for 5½ seconds for each Member of Congress.

As a cosponsor of House Joint Resolution 1, I support the efforts of our colleague, Mr. FISH of New York, to bring the amendment back to the floor with an open and fair rule. The ERA should pass, but I cannot, in good conscience, vote to silence the elected Representatives of this House. Partisan politics has no place in the realm of equal rights, and I deplore the actions of the leadership in denying the ERA the same consideration we give other major legislation.

Today's Washington Post editorial succinctly and accurately defines this action as "something unnecessary, potentially risky and loaded with unpredictable political consequences." I commend it to my colleagues for their consideration.

The article follows:

ERA, BUT NOT THIS WAY

The signs are that the House will be asked today to do something unnecessary, potentially risky and loaded with unpredictable political consequences. The leadership has decided to bring the Equal Rights Amendment to the floor under a suspension of the rules. That's a procedure usually reserved for noncontroversial matters. Very limited debate is allowed—only 20 minutes to a side—and no amendments can be considered.

We have always supported the adoption of the Equal Rights Amendment and continue to do so. But it is certainly one of the most controversial amendments to the Constitution proposed in this century, having been passed by large margins in Congress once but not ratified by the required three-quarters of the states before it expired last year. It is fine that a new start has been made and that both Congress and the state legislatures—bodies that are continually changing—will have another opportunity to consider this important subject. But ramming it through the House using this extraordinary procedure is wrong on a number of counts.

First, a constitutional amendment is serious business. Debate should be encouraged, not stifled. Amendments, including those we have strongly opposed, should be considered and voted upon. A single sentence that alters our nation's basic charter and affects the lives of hundreds of millions of Americans is worth more than a 40-minute discussion when it is formally considered by one house of Congress.

Second, it is not at all certain that there will be a sufficient number of votes to pass the proposal under these procedural conditions. Many who support the ERA are said to resent the gag rule and to be unable, in conscience, to vote to impose these conditions. If pro-ERA forces lose this vote, they will suffer a serious psychological setback that is completely unnecessary. The votes are there to pass the amendment after full and free debate.

Finally, one wonders how much of a part pure unadulterated politics plays in this ploy. Some liberal Republicans, supporters of the amendment, believe that those who have devised this tactic care less about getting the ERA through the House than creating a political issue so that many who object on procedural grounds to voting without full debate or consideration of amendments can be charged with abandoning the amendment.

A 40-minute shuffle in the hectic closing days of the congressional session is the wrong way to conduct important constitutional business. The amendment should be approved, but not under these extraordinary and unnecessary conditions.●

EQUAL RIGHTS—FAIR DEBATE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BEREUTER. Mr. Speaker, today this body took action on an amendment to U.S. Constitution, House Joint Resolution 1, that is one of the most important and historic measures of the century. Today this body narrowly missed sullying the purity of that founding document by stooping to the use of a procedure normally reserved for noncontroversial proposals that are not amending the Constitution.

Let there be no question about my unassailable support for the equal rights amendment. I supported it when I was a member of the Nebraska Unicameral Legislature. I supported it in the 96th and 97th Congresses, and I was an early cosponsor of it in the 98th Congress. My support has not wavered, and my outrage today is not directed at the merits of the measure, but at the House leadership which chose to ride roughshod in the most flagrantly partisan manner over the diverse concerns of certain Members. The leadership's decision violated the rights of those Members to air their concerns in a free and open debate on the floor of the House of Representatives.

The arrogant decision by the House leadership to suspend the rules in an attempt to pass the equal rights amendment hurt the cause of economic justice for American women everywhere. Today, for posterity, I wish to record my strenuous objections to the manner by which this measure was brought to the floor. I object to allowing only 40 minutes of debate on a measure that profoundly affects our conduct of democracy. However, I know that residents of my district, the First District of Nebraska, realize that I support an open rule, to allow for a thorough consideration of the ERA and any proposed amendments. One of these amendments states that nothing in the ERA would be construed to secure the right to abortion, or funding thereof. I believe that question should be debated in full by this body. I would support an amendment to render the ERA abortion-neutral. In the same manner, I think it would be important to insure that decisions about conscription of women and women in combat are left to Congress. But under the suspension of the rules, these amendments could not be offered.

The ERA is also clearly a fundamental bread and butter issue for women. It relates directly to employment, pension funds, wages and salaries, educational opportunities, social security, and homemakers' status. The economic rights of one-half of the population apparently will not be secured without the ERA. In spite of the attention to the broad issue of economic equity over the past several decades, as the ERA has been debated, women still earn only 59¢ for every $1.00 that men earn. That is economic injustice in its most blatant form. Women do not receive equal pay for equal work.

The Democratic leadership in this House have only themselves to blame in this setback for the ERA. I hope that future decisions by that leadership on this momentous constitutional question will put the first priority on equality for American women and not on partisan gamesmanship. Shortsighted partisan tricks almost always backfire. This cheap partisan trick has grievously injured precisely the American women that the leadership claims to want to help and it has damaged this great Congress and our governmental processes as well.●

THE EQUAL RIGHTS AMENDMENT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. AuCOIN. Mr. Speaker, it is unfortunate that I must take the floor today to support the equal rights amendment—unfortunate because this amendment should have become part of our country's Constitution long ago. But I do not hestitate to do so. I am firmly committed to working for passage and ratification of this critical amendment. I am just sorry it is taking so long to achieve success.

It has been 60 years since this amendment was first introduced in the Congress. Sixty hard years of struggle for a very fundamental principle that all American citizens—men and women—should be guaranteed equal treatment under the laws of our country.

Last year, just a few States short of ratification, time ran out for the ERA which passed in 1972. And that was largely because a small minority of opponents used scare tactics, misinformation, and outright lies to sabotage ratification. They are being used again. I have letters on my desk asking me to oppose the ERA because it will be considered a major vote for abortion, because it will hurt veterans, and because it will force women into combat. I have been told that a vote for ERA is unacceptable unless it states that we can have separate male and female restrooms in public dining facilities I have been told a lot of things.

But what I know is that this amendment is very simple. It is very straightforward. It says nothing about abortion, or the draft, or homosexuals, or unisex toilets.

All it says is that equality of rights under the law shall not be denied or abridged by the United States or by and State on account of sex.

The ERA is supported by over 450 major organizations with memberships of over 50 million American citizens. Poll after poll has shown that Americans support the ERA by a 2 to 1 margin.

Only a constitutional amendment will eliminate discrimination against women and do it permanently. We have made some progress over the years by changing individual laws dealing with employment and education. But laws deal with specific, often narrow policy issues one at a time. They can be repealed quick, subject to sudden changes in political currents. Their effect can be nullified with simple regulation change.

Because this amendment has been brought up under suspension of the Rules, some Members who support the ERA have indicated that they may vote against it. I think this is a terrible mistake. To consider the ERA in a manner which would allow it to be amended to death on issue after issue is to destroy the clear and simple intent of the ERA. I urge my colleagues to support the amendment.●

EQUAL RIGHTS AMENDMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 1, the equal rights amendment legislation now before us. It is landmark legislation with a noble purpose, that of prohibiting discrimination. I was pleased to cosponsor this measure in order to lend strength to a bill dedicated to equalizing opportunities for all individuals. I am, however, concerned about the procedure adopted for our considering such an important bill by placing it on the Suspension Calendar. This procedural device permits only 40 minutes of debate on this important matter, and since proponents and opponents have continued to raise issues worthy of debate, I would have preferred that House Joint Resolution 1 be granted an open rule that would allow for several hours of debate. The Suspension Calendar is intended for noncontroversial matters. Although once in a while a measure placed on this calendar is removed because it is subsequently deemed controversial, all of us in this chamber know that the equal rights amendment has been the subject to extensive debate over the years. However, by placing this legislation on the Suspension Calendar, we

are not only precluding clarifying debate; we are stifling the legislative process. The Washington Post today voiced these same thoughts, and stated:

Ramming it through the House using this extraordinary procedure is wrong on a number of counts. Debate should be encouraged, not stifled. Amendments, including those we have strongly opposed, should be considered and voted upon. A single sentence that alters our Nation's basic charter and affects the lives of hundreds of millions of Americans is worth more than a 40-minute discussion when it is considered by one House of Congress.

Although I believe that this is not the best way to legislate, I still intend to support passage of House Joint Resolution 1, because of its significance to our Nation.

There are many who feel that this legislation should not be necessary; I agree with such a sentiment. Were our society perfect, we would not need laws. But living in an imperfect society we realize that wrongs need to be righted. If solutions can be found without resorting to legislation, that is, without mandating the necessary changes, I feel that we, as a Nation, should do so. However, in this instance, this has not proven to be the case—discrimination based on gender still exists.

Much controversy has arisen in the last decade over this simple measure; allegations that are without merit as well as those that are thought-provoking have entered into the debate on this resolution. We have heard all the arguments for, and those against. Yet I continue to believe that society has not changed enough so that we can put this equal rights amendment on the shelf.

When this amendment passed Congress the first time, proponents felt that equal rights was a fait accompli. Many did not realize the struggle that lay ahead, nor the scare tactics that would be raised by opponents. While a majority of our Nation has stated again and again that it favors the ERA, a handful of State legislators continued to block ratification of this much-needed amendment, so much so that Congress agreed to extend the ratification deadline. The struggle to gain the necessary three States needed for ratification during this period evolved into a battle that I believe should not have had to be fought. In the interim, opponents stepped up their opposition to this measure, continuing to claim that this amendment would lead to abolition of various privacy laws and other provisions that are part of our extensive legal code. Although the legislative history of this joint resolution has tried to clarify that such deviations would not occur, opponents of House Joint Resolution 1 continue to distort the situation.

Our Declaration of Independence guaranteed "life, liberty, and the pursuit of happiness" as a goal. While the remainder of legislation considered by this body is dedicated either in part or in whole to advancing this precept to various segments of our society, be they social, economic, ethnic, age-related or industrial-based, this legislation fosters the much needed advancement of this goal for a group of Americans who are a majority of our populace—women. To deny them inclusion in our Constitution is to commit the gravest of wrongs. The people of this Nation have in the last decades tried to conquer many other prejudices; discrimination based on gender is yet another that needs to be overcome. I strongly support this legislation which fosters equality, and I urge my colleagues to do likewise.●

EQUAL RIGHTS AMENDMENT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. PANETTA. Mr. Speaker, I rise to express my strongest support for House Joint Resolution 1, the equal rights amendment.

I would, however, like to say at the outset that I have some very serious reservations over the procedures which were used to bring House Joint Resolution 1 to the floor today. I believe that an amendment to the U.S. Constitution—no matter how much I agree with its substance—is too fundamentally important a matter to debate under the restricted conditions in effect this afternoon. A change in the basic law of our land should be afforded every opportunity for careful examination and full debate—and indeed, I believe it detracts from the importance of the ERA itself to act on it without due regard for the proper procedures.

At the same time, I believe that the equal rights amendment is too vital a proposal, and too long overdue, to oppose it merely on procedural grounds. The discrimination against women which persists in our society simply will not allow us not to act.

Clearly, the strides which have been made in recent years are admirable—even remarkable, in view of the long history of second-class treatment which preceded them. But women still earn 59 cents for every dollar earned by men. Women are still paid far less than men who have training and job skills far inferior to theirs. Women are still suffering discrimination in insurance, in pensions, in credit, in property rights. Women who are homemakers still see their labor go unrecognized, and are still penalized if their marriages end in death or divorce. Women are still steered away from mathematics, science, and high-paying technical fields which remain dominated by men.

Progress is being made in eliminating discriminatory laws and practices, and in strengthening the protections against sex discrimination in all areas. But that progress has been slow—too slow. Passage and ratification of the equal rights amendment will provide us with the most powerful tool we can wield against discrimination: A clear declaration, embodied in our supreme law, that the rights and opportunities available to all our citizens cannot and must not be dependent on their sex.

This declaration of equality is not a privilege or a gift. It is a matter of justice, a basic truth which deserves a place among the other basic truths embodied in our Constitution: Freedom of speech, press, and religious observance; the right to a fair trial and to due process of law; the right of every citizen to vote. The equal rights amendment, as part of the Constitution, will give us both the symbolic power and the legal mechanisms to eliminate discrimination. I urge all my colleagues to declare their commitment to that goal, by supporting House Joint Resolution 1 today.●

THE EQUAL RIGHTS AMENDMENT

HON. KATIE HALL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mrs. HALL of Indiana. Mr. Speaker, I rise to speak in favor of the equal rights amendment. But, how could I do anything else? I am, after all, a woman and I am an American. It should be no surprise that I, and millions of American women, want to live as first class American citizens. It should be no surprise that I, and millions of American women, want the guarantees of the U.S. Constitution. And it should be no surprise that I, and millions of American women, support the ERA by over a two-thirds majority in the polls.

In 1977, I was a cosponsor of the equal rights amendment when Indiana became the 35th and last State to ratify the amendment. That vote was a final tribute to Alice Paul, a suffragist and the author of the ERA, before her death. Alice Paul spent her life working for women's suffrage. Although she knew the right to vote was crucial, she also knew that it was not sufficient to insure women's equality. She knew that only when women are included in the Constitution will we have even a fighting chance at legal equality.

Sixty years ago, in 1923, Alice Paul wrote the equal rights amendment.

Not until 1971, however, did the House approve the ERA by a vote of 354 to 24. The next year the Senate also approved of the ERA and it was sent to the State legislatures for ratification. In the 60 years that the equal rights amendment has been before the American people, it has been discussed, debated, and dissected and nauseam. The time is over for debate.

Over 200 years ago, Abigail Adams, in her famous letter to John Adams, admonished the framers of our Constitution to "remember the ladies". The ladies have been waiting for over 200 years. But even today, in 1983, we are not included in the Constitution of the United States.

American women have been waiting for equality for 200 years. The Nation has debated women's equality for 60 years. Enough is enough.

Today American women across the country look to their leaders for the inalienable rights that they have never enjoyed. Today the American women look to you to cast your vote for the equality of all American citizens.

Remember the ladies—vote for the equal rights amendment.●

THE EQUAL RIGHTS AMENDMENT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BOUCHER. Mr. Speaker, 60 years ago, the principle of equal rights for all Americans, regardless of gender, was first introduced in Congress. It took almost 50 years for Congress to finally approve in 1972 the equal rights amendment which guaranteed that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Today, we have the opportunity to reaffirm our commitment to equal justice for all Americans.

The basic principle of the ERA is very simple: Gender should not be a factor in determining the legal rights of men or of women, a simple statement reaffirming that, as a nation, we do believe in justice for all.

After more than a half century of debate, the need for an ERA is clear and compelling. The ERA would, for the first time in our history, grant women full status as equal citizens under the Constitution and would establish a standard for eliminating discrimination based on sex.

The need for the ERA is at least as great as in 1972. Measured by any standard, the history of unequal treatment of men and women has not been adequately addressed by existing laws, and the past decade of active debate on the ERA has proven this fact. We have learned that our society has been ignoring the economic value of the services provided by homemakers. Working women have learned that their employment patterns count against them in earning pensions. Wives have learned that divorce can lead to instant poverty. College-graduate women have learned that their median income is $8,000 less than that of their male counterparts.

The impact of economic inequity has become staggering for working women who often find that discrimination in the business world seriously impedes their ability to support themselves and their families. Currently, more than one-third of heads of households are women, and 1 in 3 of those families live in poverty, compared to 1 in 18 headed by men.

Moreover, older women are the fastest growing poverty group in America. Older women suffer in particular from pension policies that fail to recognize both spouses' contributions to an employee's earning ability, in effect punishing women for their unique work patterns due to childbearing and other family responsibilities. Because the role of women in society has changed dramatically over the last 30 years, women are now being penalized by laws and policies that fail to reflect this change.

While working to insure economic equity for women, it is essential that we also reaffirm our commitment to educational equity. Title IX of the Education Amendments of 1972 provides the cornerstone of our Federal commitment to educational opportunities for men and women alike. Recently, the administration proposed to narrowly limit the application of title IX provisions. I firmly believe that we cannot deny women equal access to educational programs and thus the opportunity for career advancement and economic equity.

A constitutional amendment is the only guarantee that women will have fair and equal opportunities in employment, education, and benefit and retirement plans. The ERA is an essential first step toward eliminating the last vestiges of gender discrimination.

This is an exciting time for all Americans who are concerned about issues of equity and fairness; 60 years ago, the movement for equal rights for women was considered a radical social change. Today, we recognize it for what it really is—fairness and commonsense.

I join with supporters of the ERA in hoping that this is the last time that we will have to go through this process—because this time, the ERA will succeed. I urge my colleagues to join me in voting for the ERA.

Thank you.●

THE EQUAL RIGHTS AMENDMENT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. OBERSTAR. Mr. Speaker, today I am proud to demonstrate, in a very specific way—with my vote—my firm and long-held commitment to the ratification of the equal rights amendment as the 27th amendment to the Constitution of the United States.

The ERA will establish a clear and uniform national policy for the elimination of discrimination based on sex. At stake is the equal distribution of human justice. At stake is constitutional equality for women. At stake is economic equality for women. The State-by-State, statute-by-statute piecemeal approach to equality for women has not worked; it has neither provided adequate enforcement nor effected changes in patterns and practices of discrimination. Not only are current laws inadequate, they vary from State to State, and they can also be repealed or severely modified at any time by any legislature.

Only the constitution will give the assurance woman deserve that they will have fair and equal opportunities in employment, education, retirement plans, insurance, credit in the market place, during marriage and divorce, and throughout old age.

The ERA is an economic issue. The statistics on the economic status of women in our country are well documented:

Women continue to earn 59¢ for every dollar earned by men.

Three out of five persons with incomes below the poverty level are women.

Older women constitute the fastest growing segment of the poverty population.

In 1960, 52 percent of all women were employed in just four occupations: clericals, saleswomen, waitresses, and hairdressers. In 1980, 68 percent of all employed women were still in the categories which are among the lowest paying jobs. Even in jobs dominate by women, men are paid more. Women in clerical jobs average $10,997 per year; men in clerical jobs make $18,247 or 40 percent more than females.

Women with college degrees make less than men who have not graduated from high school.

Women's participation in the workforce has increased dramatically during the past decade. These women have jobs for the same reasons men do: they need the income. Over 50 percent of women are employed to support themselves or their families. In fact, one woman of every nine in the

work force—about 5 million—is either divorced, widowed, or not married and is the only source of support for her family.

Now, more than ever, economic equity is crucial to American women and their families. Existing equal employment laws and affirmative action policies are inadequate, unevenly applied, and often loosely enforced. And, as with any laws, they can be repealed or weakened at any time, or simply not enforced by the agencies with their responsibility.

The ERA would strengthen prohibitions against sex discrimination in the workplace, and require uniform enforcement of current laws which outlaw bias in wages, fringe benefits, hiring practices, and other conditions of employment.

Many laws and traditional practices now operate to deprive homemakers of economic security during marriage, upon divorce, or at widowhood by failing to recognize their valuable contribution to the family and society.

Most of our marital laws date back to the English common law system in which women were considered the property of their husbands. Despite some progress, today many of our tax and divorce laws, the social security system, insurance and pension plans still reflect this archaic assumption.

Homemakers face some of the most severe forms of discrimination, because their work is not legally recognized. With the exception of certain States, a homemaker's contribution has no worth in economic or legal terms.

Unfortunately, many women are not aware of their lack of basic legal rights until the marriage dissolves through death or divorce. Divorced women too often do not receive the alimony, to which they are legally entitled, and, with alarming frequency receive no child support. Even when such payments are received, they are usually inadequate. Of divorced mothers with minor children, 78 percent are awarded child support with only 59 percent of these collecting payments. Two of five fathers do not pay for their children's support.

Discrepancies between the earnings of men and women make the problem worse. The divorced father almost always has more disposable income than the divorced mother who has the children to support.

After the death of a husband, millions of women who are homemakers find themselves too young to retire and too old to find a good-paying job, forced into low-paying, dead-end jobs and sometimes even poverty.

The ERA will recognize the economic partnership of marriage and will acknowledge the homemaker as an equal contributor to the family. Under the ERA, laws and court orders relating to domestic relations will be based on the principle that each spouse contributes equally to the marriage.

The statute-by-statute piecemeal approach to the elimination of discrimination based on sex is not enough. Equal rights for women should not depend on the whims of lawmakers or the changing political tides. Equality under the law must be a basic right for every American. The equal rights amendment is needed to insure permanent economic equality for women.

I urge my colleagues to join me today in voting for House Joint Resolution 1, the equal rights amendment.●

THE EQUAL RIGHTS AMENDMENT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. WYDEN. Mr. Speaker, I rise in support of House Joint Resolution 1, the equal rights amendment, which would guarantee that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

These are simple words, Mr. Speaker. But these few simple words mean the difference between equality and inequality under the law to all women in this country.

And that is a critical difference. American women need the equal rights amendment to achieve permanent economic equality—that is to insure that women will have equal opportunity, equal economic security, and the same rights under the law that men do.

But, the truth of the matter is, Mr. Speaker, that we all need the equal rights amendment.

We need the equal rights amendment because it is simply unthinkable that a society as concerned about civil and human rights as the United States has no law guaranteeing equality between men and women.

We need the equal rights amendment because existing laws are not adequate to eliminate sex discrimination. Title VII of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, and the Equal Credit Act are often cited as providing equal opportunity for women. But, these laws have been riddled with exceptions and are often unevenly applied. Our experience over the past 20 years is that these statutes have not provided adequate protection. Nor have they resulted in desired changes in the pattern and practice of discrimination.

We need the equal rights amendment because current laws can be repealed or weakened by lawmakers at any time. For example, the administration has already implemented regulations that weaken title IX, the law prohibiting discrimination in public education, and has argued in court to severely limit its scope.

We need the equal rights amendment to prompt State and local governments to take the necessary steps to rid their laws of sex bias. In States that passed their own ERAs, such as Colorado and Pennsylvania, legislative reforms followed and discriminatory statutes were struck down.

We need the equal rights amendment to be our Nation's basic mandate for and guarantee of equal rights.

I think it is very clear, Mr. Speaker, that we all need the equal rights amendment and I would urge my colleagues to support it.●

THE EQUAL RIGHTS AMENDMENT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DANNEMEYER. Mr. Speaker, the measure we are considering here today, the proposed equal rights amendment, is not a new one. Nor has the wording been changed from the time 11 years ago when Congress first proposed an equal rights amendment to the States. However, circumstances have changed dramatically, reducing the need for an amendment on the one hand and suggesting changes in the wording on the other hand. Much more is known, in terms of the potential impact of the amendment and in terms of possible alternatives, than was known back in 1971 and 1972 and I cannot help but believe it would be a mistake for this body to ignore that knowledge.

Perhaps the most important development, subsequent to the first equal rights amendment being sent to the States, has come in the area of abortion. Back in 1972, when Congress officially sent the ERA to the States, abortion was banned in most States and the Supreme Court had not acted, in the Roe and Doe cases, to overturn those State laws. But now that the Supreme Court has handed down the Roe and Doe decisions, and Congress has responded to those decisions by repeatedly denying Federal funding for abortions except when the mother's life is in danger, a whole new situation confronts us. Whereas Congress could have anticipated, back in 1972, that the States would prohibit abortion and that the Federal Government would not be involved in funding it, now just the opposite is the case—unless an amendment to the equal rights amendment stating that the latter does not "* * * grant or secure any right to abortion or the funding thereof," is adopted. But, as I need not

remind anyone in this Chamber this afternoon, the procedure under which this proposed equal rights amendment is being considered does not permit the offering of any such amendment.

Likewise, when Congress considered the equal rights amendment back in 1971 and 1972, it could have hardly contemplated that said amendment might have condoned either homosexual or lesbian marriages. Such arrangements were almost unheard of then, at least not in a public sense. And yet one could make an argument that, in today's world, a judge or judges could rule that banning marriages between members of the same sex is tantamount to discriminating against people on the basis of sex. Strange things have happened and if such a ruling did get handed down, not only would it be too late for Congress to do much about it but the Federal Government would be put in the position of legally countenancing such a union. Now there is a difference between tolerating arrangements worked out in private between two consenting adults that are unacceptable as public policy, and giving public sanction to such arrangements as ERA might do. The latter, I submit, runs counter to what a great majority of Americans who believe in the family as the foundation of American society want to see. And one could cite a multitude of local referenda that give support to that assumption. At the very least, the concerns of the majority should have an opportunity to be aired, but once again, the procedure being used here today prevents that from happening.

Similarly, there seems to have been minimum consideration givern back in the early 1970's to the possibility that the ERA could wipe out the veterans preference in the hiring of Federal employees and the use of existing seniority systems in the private sector. These issues, along with such things as the possibility of equal leave time for fathers as well as mothers during pregnancy, unisex insurance rates, and tax exemptions for a church or orthodox synagogue which do not ordain women, came to the fore as a result of the deliberations of various State legislature over the equal rights amendment. Are we to ignore these concerns, or should we address them with clarifying amendments? I think the latter approach would be the most responsible and productive but, here again, I am reminded that the procedure precludes the consideration of amendments so this House will not have that opportunity.

And then there are questions about ERA that have largely resulted from the implementation of title IX of the 1972 Education Act. True, the Education Act itself was passed in 1972 but the regulations implementing it were not handed down until 1975 and when they were handed down, questions immediately arose about the future of father-son or mother-daughter banquets, the possible loss of grants or tax exempt status for various educational institutions and even the future of fraternities and sororities on the college campus. If this proposed ERA is adopted, all of these questions will reappear, along with some new ones involving the tax exempt status of single sex schools or Federal aid for students attending those schools. Conversely, if there were the opportunity to offer amendments to House Joint Resolution 1, some of these problems could be worked out and the ERA made more amenable to the public at large. But, again, there will be no such opportunity.

Finally, Mr. Speaker, it should be noted that, since the ERA was first sent to the States back in 1972, there has been a lot of progress legislatively in the area of promoting equality of opportunity for women. In addition to the aforementioned title IX of the Education Act, which ushered in a whole new era of opportunity for women athletes, the Equal Credit Opportunity Act of 1974 made it easier for women to obtain credit on their own, the Social Security Amendments of 1977 and 1983 eliminated certain inequities facing widows and the Women's Educational Equity Act of 1978 providing additional funds to counteract sexual stereotyping and other sex-based educational barriers. In short, we have come a long way since 1978 using the legislative approach and the statistics prove it. The percentage of women getting graduate, doctoral, and professional degrees has increased from 33.1 percent of those degrees given to 44.5 percent and salaries for women have increased. Also, women have been moving into more and more employment fields that used to be almost exclusively male. For instance, the percentage of women in the fields of law enforcement, air traffic control, bartending, and farm management has roughly doubled in the past decade while the percentage of women in traditionally female fields such as teaching, hair styling, and nursing has begun to decline. In short, there is little justification for assuming that we cannot handle whatever problems women legitimately face just like we handle problems other people face—on a situation-by-situation basis wherein the representatives of the people decide what is the best way to resolve the matter in the interests of all concerned. Yet that is what this proposed equal rights amendment assumes, especially if the opportunity to amend it to deal with certain obvious problems is not provided. Yet we are denied this opportunity.

Mr. Speaker, I support the goal of equality of opportunity for women. I support the objective of greater female participation in the economy of this country. However, I question whether we want to elevate very issue surrounding the provision of such opportunity to that of a constitutional issue that will be resolved, not by elected officials but by unelected ones. To go that route risks not only uncertainty coupled with years of litigation but threatens some traditional male-female distinctions that most Americans believe in. Suffice it to say that, while most women want to enjoy equality of opportunity with men, they do not necessarily want to be treated as men, which helps explain why the ERA has long enjoyed more support among men than women. Therefore, I think we should reject House Joint Resolution 1 today and send the ERA back to the Rules Committee for further consideration. If it is to be considered by this House, at the very least, the opportunity to consider amendments to it should be considered as well. Otherwise, the term "equal rights" will lose some of its meaning.●

THE EQUAL RIGHTS AMENDMENT

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MOODY. Mr. Speaker, I rise in strong support of a very important matter, House Joint Resolution 1, the new equal rights amendment.

Congress must pass the ERA today. Both personally and as a member of the Congressional Caucus for Women's Issues, I believe that we must give maximum effort to this goal. It is also important to establish clear legislative history and legislative intent for the ERA.

Why do we need a Federal ERA? The reason is simple. There are still a number of State and Federal laws, regulations or private economic activities which countenance unequal treatment of women. Many of these polices, laws or regulation inadvertently permit or encourage discrimination based on gender. A few laws, such as those on military draft, do so expressly and with intent. But regardless of explict intent, there are many instances in which women face a more difficult time than do men in employment, credit, pay, promotions, insurance, and in a host of other economic and professional areas. Legal treatment based on sex also continues to exist in family law, for example in property division and custodial obligations of parents.

All of this must be corrected. In some cases doing so will actually increase the economic and professional burdens on women, but this is a necessary concomitant to increasing the

overall economic opportunity and development potential of women.

The need for a Federal ERA may be seen in those States that have adopted their own versions. State legislation arising out of the adoption of the ERA has removed innumerable barriers to women in the workplace, credit market, and insurance market, but has not led to the blurring of sexual distinctions at the individual level.

Fifty State ERA's cannot substitute for one Federal ERA because, first, we need a single uniform, national standard. State versions of ERA would be written with different language and with different nuances. Second, the Federal Government itself would not be covered by a State ERA. Third, it would probably take much longer to pass 50 State ERA's than a single Federal ERA.

One last question: Why is the 14th amendment of the existing U.S. Constitution in itself not enough? There are laws now on the books which do not specifically refer to gender but still have a classifying effect on the sexes. The Supreme Court treats men and women differently, but it is merely doing its job of upholding existing laws. The ERA would provide the rationale for the Court and its Federal counterparts to treat women and men on an equal basis.

The bottom line is that until the ERA is passed women in America will not have equal or professional opportunities. Thus, it is a matter of fundamental fairness.

For a nation that prides itself on fair treatment of all and equality in economic opportunity, it is imperative that the ERA now be moved through the House and the Senate without further delay. I urge my colleagues to vote for House Joint Resolution 1.●

THE EQUAL RIGHTS AMENDMENT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BERMAN. Mr. Speaker, I rise today in strong support of the equal rights amendment now before us. For too long, women in this country have been forced to wage a battle for equality on a statute-by-statute basis because no single legal standard exists to fight the discrimination that permeates our laws. A constitutional amendment is the only way to guarantee equal protection across the board.

While opponents of the ERA object to it for a wide range of reasons, I want to focus here on an argument made frequently during the Judiciary Committee debate by ERA critics, and that is the role of the courts in interpreting the Constitution.

These critics claim that ERA, unless amended, will give too much discretion to the courts in deciding how it should be applied. I find this argument particularly disturbing because it says, in effect, that before we pass the amendment, we need to know exactly what women plan to do with their new constitutional rights, and how far the Supreme Court will go to back them up.

What these people fail to understand is that the purpose of the ERA, as with any constitutional amendment, is to set forth a broad principle. We cannot possibly predict how it will be applied in specific cases. Not only is it unnecessary for Congress to specify the standard of review for the Court to use in considering the cases that come before it, it is also totally unprecedented.

There is no such standard of review written into the 1st amendment, the 14th amendment, the Bill of Rights, or any other constitutional protections. As it has in cases involving racial discrimination, the Supreme Court would, I assume, view sex-based classifications as suspect and apply a strict scrutiny test. I believe strict scrutiny is the appropriate standard for the Court to use, but that should be a judicial determination, not one spelled out by Congress.

What I am afraid has happened is that arguments about judicial interpretation have been adopted by people who have a vision of "women's rights run amok." These critics see the Supreme Court as the last line of defense if the ERA passes, and they hope that by requiring a lower standard of review, sex discrimination cases will be harder to win. ERA opponents want to appear to be granting equal rights, while on the other hand they can deny them.

I think it is a sad commentary that in 1983, we are debating taking steps to assure constitutional protection for the rights of over half our population. It is sad that we must still overcome objections to it; it is sad that the need for protection even exists. Yet the reality is that discrimination based on sex still occurs, and there is no adequate legal standard that can be used to fight it. The 14th amendment is ineffective in that the Supreme Court has consistently refused to view sex-based classifications as suspect. The only way to change this is to amend the Constitution.

I urge my colleagues to see through the objections that have been raised for what they are, and vote for the ERA without amendments.●

THE EQUAL RIGHTS AMENDMENT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DAUB. Mr. Speaker, I would like to take this opportunity to state my position on House Joint Resolution 1, the equal rights amendment and to express my frustration with the House Democratic leadership's arrogant approach to a measure that is of great importance and concern to the citizens of this Nation.

As the people of my district know, I have always favored equal rights for women. However, I have felt that ERA was unnecessary because I believed that the equal-protection clause of the 14th amendment provided the necessary protection for equal rights for women. Additionally, I believed that the courts could deliver more prompt and equitable results to women based on current Federal statutes regarding credit, pay, nondiscrimination in hiring, and other concerns rather than upon additional constitutional protections.

However, since I have been in Congress the last 3 years, economic inequities for women have continued to persist, and the limitations of the 14th amendment are underscored by the fact that the 19th amendment was later needed to give women the basic right to vote.

It is a fact that women do not always receive equal pay for equal work. It is a fact that civil rights violations on the basis of sex are still occurring. It is a fact that equality in education as mandated by title X is not uniformly enforced.

ERA is an important economic issue. The so-called feminization of poverty is not an empty phrase but rather a tragic reality, and like the ERA, it relates directly to women's jobs, wages, education, pensions, and social security. I have tried to do my part by introducing legislation like my spousal IRA bill that eliminates the current inequity that exists for women who do not work outside the home.

Additonally, as a member of the House Select Committee on Aging, I held a hearing in Omaha last year regarding issues affecting older women. A participant noted that:

> The women of the United States have always carried the burden and the responsibility for nurturing families and communities. It is time that we, as a society, protect them so that the cost of their nurturing is not poverty.

ERA provides that legal protection.

Regarding abortion, I have and I will continue to oppose abortion. Our Nation is built on the strong foundation of equal opportunity, equal re-

sponsibility, and equal rights under the law. These equal rights are due all individuals—including the unborn, and we show respect for women, for the unborn, and for others, by assuring their full rights under the law.

Additionally, I have cosponsored every piece of legislation before Congress that supports the pro-life movement. Further, let me emphasize that I oppose special rights for gays and lesbians; I oppose the use of homosexuals promoting their views as teachers in our public and private schools; I support voluntary prayer in school; and as a Christian, I am a strong believer in the family unit.

Having made my position very clear regarding ERA, I want to object strongly to considering ERA under a suspension of the rules. It is deplorable. It lacks integrity. It is an appalling abuse of power. It is obvious that the House Democratic leadership only cares about making ERA a political campaign issue rather than being genuinely concerned about equality for women.

In ramming this issue through Congress by using this extraordinary procedure, the House Democratic leadership is doing a disservice to women and women's organizations who sincerely care about equal rights for women and who sincerely do not want to politicize the equal rights amendment.

So it is because of these women and because of my concern for economic equality for women that in spite of this appalling and arrogant abuse of power by the House Democratic leadership, that I will vote for the ERA under a suspension of the rules. I do not like the circumstances under which the vote is occurring but after careful and thoughtful deliberation, I believe this is the appropriate vote.●

JUDGE ALBERT FRANCIS DeMARCO

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MINETA. Mr. Speaker, we Americans take great pride in the fact that we live in the freest country in the world. The foundation for our freedom is our legal system, and the guardians of our freedom are our judges. Interpreting and applying the law, judges turn legal principles into practices. Today, I rise to honor one of California's finest judges, Albert Francis DeMarco.

Judge DeMarco has been a member of Santa Clara County's legal community for over 40 years. He studied law at the University of Santa Clara, practiced law in San Jose, and then became a judge in 1961. Now, after 20 years of devoted public service, Judge DeMarco has retired.

Throughout his two decades on the bench, Judge DeMarco was conscientious and compassionate, thoughtful, and farseeing. The work he did for the county of Santa Clara as both attorney and judge was of inestimable value. In addition to serving as a fine judge, Judge DeMarco served our community as a fine citizen. During his spare time, Judge DeMarco participated in a number of community service groups. Most notably, Judge DeMarco served as director of Boy's City, a boy's club emphasizing recreational and social activities.

It is an honor for me to pay tribute to a man who has truly been a public servant to the people of Santa Clara County. It is always difficult for a community to lose a public official as valuable as Judge DeMarco. Yet the citizens of Santa Clara County also recognize that Judge DeMarco worked hard all his life to serve the people, and his retirement is well deserved. Mr. Speaker, I call upon you and all of our colleagues to thank Judge DeMarco, for his years of service.●

QUEENS OUTREACH PROJECT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise to inform my colleagues of the upcoming dinner in honor of the work of the Queens outreach project, a pioneer organization in the drug-free treatment of victims of substance abuse. This auspicious event will be held on Thurdsay, November 17, in Flushing, N.Y.

The inspiration behind the Queens outreach project is Father Coleman Costello, a man loved and admired not only in my home county of Queens, but, indeed, throughout the Nation. He has dedicated his life to helping young people, especially those struggling with a drug or alcohol problem. In fact, he this year received the Presidential Recognition Award for Community Service for his many good works.

During the 1970's, Father Costello joined the New York City board of education's drug-prevention program, in community school district 27. Although the counselors were able to assist the youngsters they saw, nothing was being done for those who were not in school—there are as many as 144,000 truants from the New York City schools roaming the streets each day. Most of these Queens teenagers were not wealthy enough to afford treatment, but neither were they so poor that they qualified for federally or locally funded social services.

To make matters worse, in 1979, budgetary constraints forced the school district to pare back its programs; drug prevention was now available only to junior high school classes. Together with Kathy Riddle, another counselor from district 27, Father Costello decided to launch the Queens outreach project from an abandoned candy store across the street from Forest Park.

Mr. Speaker, Queens outreach's choice of location is important to an understanding of the project's approach: Forest Park has been a trading place for all sorts of drug pushers and addicts. Costello wanted the dealers and their customers to know that he was there, ready to sit down and talk, to share with them alternatives to their present lifestyles.

But for Father Costello, even such a nearby location was not enough. Because narcotics sap a person's motivation and ability to make sound choices, the Father—and members of his staff—sought out the youngsters. Each night he went to the park, and to other popular hangouts. Once there, Father Costello never inveighed against the evils of substance abuse. Instead, he tried to foster trust between himself and the youngsters. "If you want to help kids," he advises, "you have to let them know that you care about them as people, that your concern goes farther than how they behave."

As a youngster begins to confide in the Father, family problem inevitably emerge. Many of the project's clients are from single-parent homes. Some have folks who are alcoholics; others have been sexually or physically abused by their parents. Still others need counseling after frustrations in school or in the job market. Even a simply lack of communication within a household can fester into larger troubles.

Hence, over the past 3 years, Costello has been sure to include the family when trying to rehabilitate the user. In that short space of time, the Queens outreach project has given support to an astonishing number of youngsters—over 7,000 in all. By the spring of 1984, the project will boast a residential treatment component. Thanks to a community development block grant, two dilapidated buildings will soon house up to 40 residents for short-term, comprehensive care. Besides the traditional counseling, youngsters will receive, structured educational and vocational training; only through such programs can these young Americans hope to build an independent, drug-free life for themselves.

Mr. Speaker, I know that all of my colleagues join me in congratulating Father Costello, Kathy Riddle, and all those associated with the Queens out-

reach project on a job well done, and in extending out best wishes for their continued success.●

EQUAL RIGHTS AMENDMENT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BEDELL. Mr. Speaker, today, with great reluctance, I cast a vote in opposition to House Joint Resolution 1, the equal rights amendment to the Constitution. As a longtime supporter of the equal rights amendment, as an original cosponsor of House Joint Resolution 1, as one who voted for extended consideration of ERA by the States, and as one who strongly believes in the objectives of the amendment, the vote was a very difficult and painful one for me.

I want to take this opportunity to make clear that I voted against this legislation today not on its merits, but because of the procedure under which the legislation was brought before the House. Furthermore, I honestly believe that the action that the House took today will prove to be in the best long-term interests of the amendment.

The issue of the equal rights amendment is both a simple and complex one. The amendment establishes in explicit terms the fundamental principle of legal equality for all, which I wholeheartedly support. It is both an important and necessary amendment.

However, I am deeply disturbed about the manner in which the amendment was brought before the House today. The procedure denied others who have reservations about the amendment in its present form the opportunity to attempt to modify it. And the procedure limited supporters and opponents of the amendment to just 20 minutes each to debate this fundamental issue.

It must be made clear, Mr. Speaker, that the ERA was not defeated today. Rather, the procedure under which it was brought to the floor was rejected, and rightly so.

Some have argued that the ERA issue has been debated extensively over the years and that further discussion on the amendment was not in order today. But I believe that we must dismiss such logic as ill-founded. If this reasoning was successfully applied to other issues which come repeatedly before the Congress—such as funding for the B–1 bomber, the MX missile, et cetera—Members would be denied the opportunity to regularly review these matters once they are initially dispensed with by the Congress. As one who believes strongly in the democratic principles under which we operate, I believe that no one should be denied this legislative prerogative.

It strikes me as ironic, and wrong, Mr. Speaker, that an amendment to the Constitution designed to guarantee equal rights to all was brought to the floor in a manner that denied those concerned about the legislation the simple right to offer amendments to the legislation.

Furthermore, for those of us who are genuinely hopeful for the ultimate enactment of the ERA, I must point out that if the ERA was approved today while denying a minority the opportunity to offer modifications in its language, then I believe we would be offering opponents of the ERA in the various States a convenient excuse for voting against its ratification. We must not give the opponents of ERA—who could cite the fact that the Congress did not adequately debate the issue—an easy way out in opposing the amendement.

Finally, I have been assured by the Chair of the subcommittee which reported the bill, Mr. EDWARDS, that indeed the ERA will be brought before the House once again early next year. I am hopeful that the legislation will be brought before us in a manner that will allow full opportunity for debate, so that all of us who strongly endorse the amendment can freely and without reservation express our support.●

EQUAL RIGHTS AMENDMENT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. OWENS. Mr. Speaker, today we consider the equal rights amendment. There are those who say that we have not taken enough time to explore the issues fully. Recent history proves them wrong. The equal rights amendment was originally introduced over 50 years ago and I cannot imagine just what can be added to the debate that has not been said in the last 50 years.

Throughout the world the oppression of women has occurred, is occurring, and will continue to occur until both men and women are liberated from this burden. From the moment a child is born and experiences the limited world of the family, he or she is taught that the status of women is less than the status of men. Children are quick to pick up just where the power in life lies and to conform their conduct to the expectations of those who wield the most power. This earliest lesson in discrimination and oppression forms the basis for learning more complex and subtle lessons later on in life.

There are those who predict all sorts of massive and harmful changes in our society if the equal rights amendment is passed. They fear that women, granted equality under the law, will suddenly rise up against men. The equal rights amendment does not call women to rise up against men, but to serve as full partners in the life of our Nation. I find it hard to believe that any person can reject the energy and talents of women in the struggles that we face as individuals or as a nation.

Today I urge my colleagues to support the equal rights amendment. It is an important step on the way to the full participation of women in our society and to the liberation of both men and women from the oppression and discrimination that serves no one.

Our action today can be the beginning of a new commitment to equality for all of our people. This is a journey that will not always be smooth or painless. Still, it is an adventure that can bring us closer to the ideal of recognizing each person for their individual contributions and abilities as we work together to build a more just society for ourselves and those who will follow us.

Let us act to end any legal basis for discrimination against women. When this is accomplished, all men will be also liberated.●

CALIFORNIA CREDIT UNION LEAGUE 50 YEARS OF SERVICE TO THEIR MEMBERS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. PATTERSON. Mr. Speaker, today I would like to ask my colleagues to join me in extending congratulations to the California Credit Union League upon the anniversary of its 50th year of service to California's credit unions.

I once heard it said that, "It is not too difficult to organize a credit union. It is much more difficult to see that a credit union maintains its spirit." It was in recognition of this fact that the California Credit Union League was founded to foster the credit union spirit of providing financial services to their members at the lowest possible cost.

One can see from the league's record of achievement that it has adhered to that credo. With but a few members in 1933, the league grew to 1.6 million members in 1964 with credit union assets of $1 billion. Today, the organization counts over 1,200 member credit unions, serving 5.8 million members and having the strength of over $12 billion in assets.

Now these numbers may not seem large when compared to other types of financial institutions, such as banks and thrifts. However, given the origin and nature of credit unions, these

numbers are impressive. Let me explain why.

Credit unions are special. They are special because of their people. Unlike any other type of financial institution, a credit union is owned by its members, who are its savers and borrowers. The saver is a member and the member is an owner. This cooperative structure allows savers to own and democratically control the financial institution.

This idea of credit unions is a modern phenomenon. It originated about 130 years ago in Germany by a small town mayor. The mayor was so appalled at the poverty of farmers, workers, and tradespeople in his region that he organized a cooperative savings institution to permit them to pool their money and make loans to themselves. As a result, they were able to lift themselves out of poverty and escape the grasp of unscrupulous money lenders.

The philosophy of people-helping-people quickly spread to other parts of the world. And in 1909, the first U.S. credit union opened its door in New Hampshire. Credit unions continued to increase in acceptance, but the number of credit unions increased dramatically when, 25 years later, Federal legislation was passed permitting the creation of credit unions anywhere in the country. Today there are 20,000 credit unions in the United States and 40,000 throughout the world serving 52 million members. My home State of California is one area where credit unions serve nearly 6 million people.

Each one of these 6 million credit union members has all the rights and responsibilities of ownership. Each has the opportunity to share in the decisions affecting the credit union—one vote per member, regardless of how much money he or she has in savings. There are no outside stockholders so all earnings (after reserves are set aside) are returned to members in the form of dividends on savings, lower rates on loans or better service.

That is why the California Credit Union League is to be commended. The league has dedicated 50 years to assisting the human resources—the people—of credit unions by providing training opportunities to officials, management, and staff. The league has helped people organize credit unions, and has provided support services to assure that credit unions thrive. Their professional backup and support has allowed even small credit unions to offer sophisticated financial services.

Credit unions can today provide many services. In addition to car loans and other consumer loans, credit unions can provide mortgage loans. And recent legislation allows them to participate in the secondary mortgage market.

Credit unions can offer not only passbook share accounts, but also share draft accounts, which are essentially interest bearing checking accounts.

Credit unions today can offer credit cards or travelers checks.

Credit unions now have access to the Central Liquidity Fund (CLF), a fund that serves the same purpose for credit unions as the Federal Reserve's discount window renders to banks and thrifts.

Today we see the potential for even more changes in the nature of credit unions. Member needs continue to evolve. Legislation proposing further deregulation of the financial services industry are under discussion here on Capitol Hill.

These changes, whatever they may be, will put strain on credit unions, a strain in terms of competition for savings dollars. I am convinced, however, that credit unions will thrive. They will do so if they continue to do what they have done in the past; that is, keep in mind the best interest of their members. If credit unions continue to work together—each credit union helping the other to increase the strength of the credit union movement nationally by holding on to the credit union philosophy of service to the member—then credit unions will be able to retain their preeminent position in the financial community.

I think it is only fitting that in this golden anniversary year—a year posing awesome challenges to all types of financial institutions—that the California Credit Union League has chosen the motto "Proud of the Past * * * Prepared for the Future."

Indeed the California Credit Union League should be proud of its 50 years of service. And if the past is any indication of the future, the league is truly prepared to meet the challenges of the future. I hope my colleagues will join with me in congratulating the California Credit Union League upon its 50th anniversary. And best wishes for the years to come.●

WE ARE IN DEBT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MINETA. Mr. Speaker, 78 Members have joined under the leadership of Majority Leader JIM WRIGHT to introduce a bill which implements the recommendations of the Commission on Wartime Relocation and Internment of Civilians. That bill, H.R. 4110 was introduced on October 6, 1983, and corrects the injustice that our country committed against thousands of loyal Americans.

I would like to call my colleague's attention to an editorial in the Los Angeles Times on October 17, 1983. The editorial called the internment "wrong" and endorsed the Commission's recommendations. I share with you now, the text of that editorial:

WE ARE IN DEBT

It was, as Justice Department lawyers said, a "singularly appropriate" action for the government to take. It agreed to set aside the 40-year-old convictions of three Japanese-Americans for violating evacuation orders that led to the internment of more than 100,000 Japanese-Americans after Japan's attack on Pearl Harbor.

The government was responding in San Francisco to one suit, but will take the same position in similar legal actions brought by two other Japanese-Americans or any others "similarly situated." The government attorneys said that they acted because it was time to put aside the 1942 controversy "and instead reaffirm the inherent right of each person to be treated as an individual."

While pleased with the department's decision, attorneys for the three convicted Japanese-Americans are discussing whether to ask the judge in the case, U.S. District Judge Marilyn Hall Patel, to hold hearings and issue findings on the government's wartime actions. The suits charge that the government withheld evidence that could have persuaded the U.S. Supreme Court to prohibit the internment.

We are inclined to agree with the government's opposition to further court hearings or findings. As Justice Department attorneys noted, the Commission on Wartime Relocation and Internment of Civilians concluded that "no completely satisfactory answer can be reached about these emotion-laden issues from this vantage point in history."

This nation, gripped by wartime concerns and acting against a perceived danger, nevertheless committed a wrong by interning thousands of people simply because of their ancestry and not for anything that they did. Step by step the nation has acted to rectify that wrong, although a perfect balance sheet can never be achieved.

One thing the nation can now do: Carry out the recommendation of the commission to pay $1.5 billion to the approximately 60,000 people forced into relocation who are still living. That compensation, not an exorbitant sum but generous enough to make it meaningful, is a debt that we owe.●

TRIBUTE TO RABBI HENRY KRAUS AND THE TEMPLE BETH AMI BREAKFAST

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. TORRES. Mr. Speaker, this Sunday I had the honor to be the guest speaker at Temple Beth Ami. This speaking forum is a unique event, called "Breakfast with the Rabbi," and provides an opportunity for elected and appointed officials to speak on items of importance to the Beth Ami Congregation.

Mr. Speaker, our good friend Rabbi Henry Kraus has been the moving force behind this undertaking. The breakfast is actually hosted by the Beth Ami Men's Club by Milton Fader, its president.

I was able to make a presentation that dealt with the current situation in the Middle East, especially developments in Lebanon. Moreover, I presented a statement dealing with United States-Israeli relations.

Mr. Speaker, I submit for my colleagues to read the statement I made to my constituents at Temple Beth Ami in West Covina:

I. U.S.-ISRAELI RELATIONS

U.S.-Israeli relations are a key factor in American Middle East policy and of primary importance to Congress. Israel and the United States share the view that the U.S. has a predominant role and responsibility in Middle East peacemaking. The two countries also share the perception that one of the major threats to world stability and to peace in the Middle East is the expansion of Soviet influence and power. The Soviet threat has been cited as a fundamental basis for close cooperation between Israel and the United States.

It is a distinct feature of American foreign policy that ethnic Americans of many origins retain a sensitivity toward the country of their ancestry. American Jews, sensitive to religious discrimination and the need for religious freedom, concerned for the fate of Europe's Jews in World War II, and as witnesses to the creation of the modern Jewish state, have been particularly aware of Israel's vulnerability and need for aid. The American Jewish community and its official lobby, the American Israel Public Affairs Committee (AIPAC), have substantial influence and contribute significantly to the continuity of official U.S. support for Israel, particularly at times when American and Israeli policy objectives in the Middle East have diverged.

THE U.S. NEEDS ISRAEL AS MUCH AS THEY NEED US

An assessment by President Carter in 1980:

"The United States has a moral commitment to Israel because we share so many things in common. A strong, independent, democratic nation committed to peace in the Middle East is a major asset for our country, and we share these strategic understandings and consultations, looking toward the future. A strong Israel is not just in Israel's interest or the United States; it's in the interests of the entire free world."

Each country contributes to this special relationship and benefits from it. The ties are unusually close in several domains; political, economic, strategic, and cultural.

A vital source of strength of this relationship is the democratic nature of Israel. The American people know that there is only one country in the Middle East that is not a totalitarian dictatorship or a fragile feudal monarchy. American people know that there is only one state in the Middle East that shares our own American democratic ideals, our democratic form of government, and our democratic institutions. These include free elections, a free press, protection of the rights of individuals and minorities, checks and balances to prevent abuses of authority, and other safeguards typical of a free society. That state is the state of Israel. The recent change in power from the leadership of Menachem Begin to Yitzhak Shamir should not alter Israel's policies or relations with the United States. The peaceful and orderly transition was most impressive and should serve as a model for other nations in the world.

The economic and technological capabilities of Israel can be of invaluable assistance to the United States. Israel has taken the lead in discoveries of innovative agricultural techniques that can have a significant impact on American agricultural methods. Another example is in the medical field; the United States imports 100% of our surgical lasers from Israel. There is an almost limitless potential for increased trade and cooperation. In turn, there is no question over Israel's need for American aid, both the direct financial transfers to meet Israel's budgetary requirements and Israel's access to American military hardware. It is important to mention that the United States has never used economic or military aid as a lever against Israel. The United States also provides indirect assistance to Israel by helping the Israeli economy. The U.S. offers Israel its assessments of its serious economic problems, namely, high inflation and balance of payments deficits. Of course, Israel does not always share U.S. experts' views of policy prescriptions.

We are committed to the defense of Israel's security. We are also committed to defend its place in the world community. The United States will not permit Israel to be isolated. We are committed to the Camp David accords. Israel is a critical strategic asset to the United States, as our strongest, most reliable, and stable ally in a volatile part of the world. This contribution should never be underestimated. The Israeli defense forces are the strongest deterrent in the region. Furthermore, Israeli military facilities are the best resources for the United States in the region. No other country in the area has the hospital facilities and personnel to provide care on the scale and professional standards required.

That is why I take particular exception to the Pentagon's decision to refuse an Israeli offer of medical assistance for marines wounded in the recent terrorist attack on the American military headquarters in Beirut. Less than three hours after this tragic indicent, the Israelis offered to provide medical assistance for the marines wounded in the terrorist attack. Israel placed Ramban Hospital in Haifa, just one hour from Beirut, on alert and readied the hospital for the wounded. Ramban Hospital has a long history of treating wound victims and was a central medical center used throughout the war in Lebanon. The decision to airlift the marines to Western Europe raises some disturbing questions regarding the nature of the arrangemnents we have made with Israel and other countries in the region in the event of medical emergencies of this sort. Why did the U.S. reject the Israeli option even after Israel's Defense Minister offered the use of Israeli medical facilities on three separate occasions on the day of the bombing? The questions surrounding the rescue efforts deserve a full and immediate investigation as well as an explanation of how future emergencies will be handled. Another recent development raising troubling questions in the minds of many in Congress, is the Administration's disclosure of a plan to form a Jordanian Mini-Rapid Deployment Force for use in the Middle East at a cost of over $200 million. The plan appears to pose dangers to all parties involved. The United States, in equipping Jordan to play the role of troubleshooter, is placing great reliance on an unstable monarchy to help maintain regional stabilty. The force also represents a danger to Israel. Although it is being formed to counter threats to the Persian Gulf states, it could be used against any of Jordan's neighbors, including Israel, in the same way that Jordan has used U.S. supplied equipment against Israel in the past. Members of Congress wrote to the President to secure answers to important questions such as (1) Under whose control would the force be? (2) Why were the House and Senate Foreign Affairs Committees bypassed in seeking appropriations for the force? (3) What are the purposes of this force and what do others in the Gulf understand its purposes to be? (4) What assurance would or could the United States have that such a force would not be used against Israel? These questions, to date, remain unanswered. However, funds for the force were removed from the Defense Appropriations bill recently approved by the House. If the Administration really believes that this force is essential, its formation should include full consultation with Congress and be part of an overall Middle East strategy which includes Israel.

II. SUPPORT FOR ISRAEL IN CONGRESS

Members of Congress who are supporters for strong U.S.-Israeli relations include fellow Californians Henry Waxman, Mel Levine, Howard Berman, and Anthony Beilenson. We can also look to the leadership of Ted Weiss, Stephen Solarz, Lawrence Smith, Benjamin Gilman, and Gerald Solomon, all of whom are on the House Foreign Affairs Committee. Chuck Schumer and Sid Yates have also been quite vocal in expressing their sentiments on U.S. policy toward Israel.

The direct congressional role in formulating and implementing American policy toward Israel involves authorizing and appropriating aid funds, issuing "sense of the Congress" policy statements, and maintaining a dialogue and interaction, both in Washington and in Israel.

Official American aid to Israel is authorized in either recurring or non-recurring forms. Recurring aid may be earmarked specifically for Israel, as in the case of economic support funds, foreign military sales credits, or funds for resettling Soviet Jews in Israel. Other annual aid programs provide assistance to Israel, but usually an amount is not earmarked specifically for Israel, such as American schools and hospitals abroad, Export-Import Bank loans, or housing guarantees. Congress has passed special, non-recurring legislation to provide Israel with funds, such as those for the joint U.S.-Israel prototype desalting plant, emergency aid after the 1973 war, or the 1979 "peace package".

Between 1948, the year President Harry Truman recognized Israel as an independent nation, and 1983, the United States has provided Israel with $27 billion in aid. For several years we have been supplying Israel with economic and military assistance at a rate of roughly $7 million a day, the equivalent of $3,500 to $4,000 a year for every family of five in Israel, an outlay that is steadily increasing. Last year, Congress approved an aid package for Israel totaling $2.4 billion.

The regular Foreign Aid Appropriation legislation will probably not be enacted into law this year, therefore, spending for foreign aid is included in the continuing resolu-

tion for FY 1984. The House and Senate Appropriations Committees set the guidelines for that resolution. President Reagan had proposed $1.7 billion in military aid for Israel and $785 million in economic aid. The military aid request called for $550 million to be forgiven loans (the equivalent of grants) and the remainder to be loans that must be repaid. Both House and Senate Appropriations Committees boosted the economic aid figure to $910 million and earmarked $850 million in military aid as forgiven loans, while holding the total military aid figure at $1.7 billion. This past Thursday, the House approved the further Continuing Resolution for FY 1984 containing $2.61 billion in total aid levels for Israel. I supported passage of this funding resolution. The increases aid level reflects the serious economic and security problems Israel faces.

Earlier this year, I joined many of my colleagues in cosponsoring a resolution stating that the United States should proceed without further delay, with the sale and delivery of F-16 aircraft to Israel. On March 1, 1983, President Reagan had said he was "forbidden by law" from proceeding with the sale because Israel was occupying Lebanon. However, this seemed to ignore the fact that Soviet-supplied Syrian troops were massed in Lebanon, and were present there long before the Lebanese conflict last summer. My colleagues and I believed that failure to provide support for such an important ally as Israel would have had devastating consequences for the U.S. and for everyone committed to peace and stability in the Middle East. As you know, on May 20, the President lifted the embargo on U.S. sales of advance warplanes to Israel and notified Congress that Israel would be allowed to buy 75 F-16 jets.

An important feature of the congressional role in American-Israeli relations not directly entailing legislation is occasional congressional consultation and advice to the executive branch in the implementation of American policy. Congress has initiated statements of support in the form of letters to the President at times when some Members of Congress have differed with executive branch policy toward Israel.

In addition, Members of Congress travel to Israel and leading Israeli figures, in both their public and private lives, visit the Congress in Washington to exchange ideas on Israeli problems and on the difficult Middle East questions confronting American policymakers.●

EQUAL RIGHTS AMENDMENT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. RINALDO. Mr. Speaker, as a cosponsor of House Joint Resolution 1 and a long-standing supporter of the equal rights amendment, I want to express my strong concern about the procedures adopted for consideration of this measure.

I have consistently supported equal rights for women because I do not believe we should permit or encourage discrimination of any kind in the United States, whether it is on the basis of race, religion, sex, or age.

The equal rights amendment is the expression of that goal, and I am shocked and disappointed that the leadership has approved bringing up this measure under suspension of the rules, which permits only 40 minutes of debate and does not allow for amendments. The majority chairman of the Subcommittee on Constitutional Law, Representative EDWARDS of California, has correctly pointed out that Members ought to have the opportunity to debate and vote on amendments to ERA. The fact of the matter is that we are considering an amendment to the most fundamental law of the land, and its consideration has been hastened and distorted by pure politics.

Many of my constituents are deeply concerned that this legislation would strengthen the claim that a right to abortion exists in the Constitution. They are afraid that the ERA would overturn legislation which has been passed to deny public funding to perform abortions.

The rule under which House Joint Resolution 1 has been brought up allows for only minimal debate on this vital issue. It is essential, in order for the ERA to have any chance at all of ratification, to demonstrate that there is no connection between the ERA and the so-called right to choose abortion. I am deeply disappointed that the rule on the resolution does not allow Members an adequate opportunity to make clear that by passing the ERA, we are not voting to remove restrictions on public funding of abortions or ratifying abortion on demand. The ERA is neutral on abortion; it neither grants the right to obtain an abortion nor inhibits a woman from seeking one.

This separation of the ERA from abortion is demonstrated by the decisions on claims for public funding of abortions in States which have their own equal rights amendment as part of their State constitutions. In none of these cases have the courts accepted the argument that the State ERA made restrictions on abortions and on public funding for abortions invalid.

For example, in Massachusetts' case of Moe against Secretary of Administration and Finance in 1981, the court held that medicaid recipients were entitled to publicly funded abortions, but it did not base this decision on the State's ERA. The Massachusetts court instead used the same "right to privacy" found by the Supreme Court in Roe against Wade and held that the State could not use funding policies to influence a woman's decision on childbearing. The argument that the restriction on abortion funding violated the State ERA was ignored.

In a New York case, McRae against Harris, the Federal district court ruled that the denial of public funds for abortions was unconstitutional, but the court did not use a woman's right to equal protection of the laws as its rationale. Instead, the court found that restrictions on public funding of abortions violated the freedom of conscience guaranteed by the bill of rights.

In a Pennsylvania case, Beal against Doe, which reached the Supreme Court in 1977, the Court held that the State did not have to provide publicly-funded abortions. Pennsylvania has a State equal rights amendment, but the Court rejected the argument that abortion is a simple medical procedure and that the denial of funds for abortion, therefore, denies women the equal protection of the laws. The Court instead held that the State has an interest in childbearing and that the State could choose funding for childbirth over abortion, as long as the State did not act to make abortion absolutely unavailable.

The argument that abortion restrictions are a form of sex discrimination will continue to be made by abortion advocates, but that does not mean that the argument is valid. Courts already have recognized that abortion is not just a medical procedure, and that equal rights does not entail a right to an abortion.

I am strongly opposed to abortion, and I have consistently voted against Federal funding for abortions. I have also cosponsored the human life amendment and the Respect Human Life Act to protect the lives of innocent unborn children. I intend to continue doing everything possible to end the destruction of human life before birth.

I am also completely opposed to any form of discrimination on the basis of sex as well as race, religion, national origin, or age. This issue is completely separate from the issue of abortion. I am a cosponsor of House Joint Resolution 1, and before the original ERA expired, I voted as a New Jersey State senator to ratify it in 1972 and as a Member of Congress to extend the deadline for ratification in 1978. I would not have supported the ERA all these years if I had thought that it entailed the right to an abortion.

I am therefore voting in favor of the ERA in spite of my strong disapproval of the way in which it has been brought to the House floor.●

EQUAL RIGHTS AMENDMENT

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, consideration of this equal rights amendment under the restrictive procedures of suspension of the rules is a decision which I regret and oppose. I further regret that the unan-

imous-consent request to extend the debate on this amendment was defeated yesterday on an objection because I think that a more extensive, thorough debate should take place.

But the fact is that we are here today to vote on this issue. My preference for another procedure is immaterial since the leadership has decided to proceed in this manner. However, I do think it is important to establish very clearly a legislative history, what is intended by this Congress and this Congressman so that no future Federal court will misinterpret our intent.

I support the goal of the equal rights amendment which is to state in the fundamental foundation of our law that we do not tolerate discrimination on the basis of sexual gender. In fact, this amendment would have been considerably strengthened had the Judiciary Committee changed the wording of the amendment from sex to gender. Since it appears that this Congress will not approve sending this amendment to the States for the ratification process, I hope very much that the next Congress will give more consideration to suggestions such as the one I have just made.

This amendment in my view is primarily for women, not the women one usually thinks of pictured in the newspapers demonstrating. It is for the countless numbers of women across this land who through no fault of their own because of death, divorce, or serious illness find themselves alone and on their own in the job market. It is hard to deny that these women are not being equally protected under our Constitution in the economic household of America.

The fears and concerns of some of those who oppose this amendment are legitimate an should be addressed in this debate. I do so to make sure that no future court misunderstand our intent. For example, this legislation does not require unisex bathrooms as some constituents have feared, and no court should so interpret.

Second, this legislation does not require drafting of women for combat assignments. Only Congress can authorize the institution of the military draft, and there is no intention to abrogate our responsibilities through this amendment.

Third, this legislation will not undermine the legality of existing laws that prohibit Federal funding for abortion. I wish that we could have debated and voted on something like the Sensenbrenner amendment today which sought to make the ERA abortion neutral. However, we will not have that opportunity. I repeat, however, that this legislation will not undermine the legality of existing laws that prohibit Federal funding for abortion. That is not the intent of this House's actions today and it certainly is not my intent.

Again, let me say, Mr. Speaker, that those of us who support the goal of ERA and who would have liked to clarify by amendment some of the concerns expressed to us are disapointed that we will not have that opportunity. When this matter comes up again. I hope that a different procedure will be granted. A totally open rule is not necessary, but certain amendments should be made in order.●

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. OBERSTAR. Mr. Speaker, during the session of November 14, 1983, I was absent for four procedural votes and for the votes on passage of eight noncontroversial bills under suspension of the rules.

Had I been present, I would have voted:

"Yea" on rollcall No. 491, ordering a second on H.R. 3635, the Child Protection Act of 1983. The House agreed to the motion 288–0.

"Nay" on rollcall No. 492, motion to adjourn. The House defeated the motion 121–258.

"Nay" on rollcall No. 493, motion to adjourn; defeated 100–261.

"Yea" on rollcall No. 494, passage of H.R. 3635; passed 400–1.

"Yea" on rollcall No. 495, passage of Refugee Assistance Extension Act of 1983; passed 300–99.

"Yea" on rollcall No. 496, passage of Debt Collection Amendments; passed 397–3.

"Yea" on rollcall No. 497, passage of H.R. 1095, 369th Veterans' Association charter; passed 406–0.

"Yea" on rollcall No. 498, passage of Polish Legion of American Veterans, U.S.A., charter; passed 404–0.

"Yea" on rollcall No. 499, passage of H.R. 3249, National Academy of Public Administration charter; passed 401–2.

"Yea" on rollcall No. 500, passage of House Concurrent Resolution 190, calling for satellite-directed navigational guidance for aircraft; passed 402–0.

"Yea" on rollcall No. 501, passage of House Concurrent Resolution 168, opposing transfer of civil meteorological satellites to private ownership; passed 377–28.

"Yea" on rollcall No. 502, motion to adjourn; agreed to, 240–156.●

EQUAL RIGHTS AMENDMENT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. SWIFT. Mr. Speaker, the State of Washington adopted an equal rights amendment to its constitution in 1972. In May 1983, the Washington State Legislature passed House Joint Memorial No. 17, praying that "renewed efforts be undertaken to encourage the speedy passage of the equal rights amendment to the U.S. Constitution."

It has been our experience in the State of Washington, as well as in other States with equal rights amendments, that benefits accrue to all citizens when freedom is extended.

In the words of House Joint Memorial No. 17:

> Over a century of involvement by women and their supporters in seeking equal legal rights through the democratic process has contributed significantly to the welfare, rights and privileges now enjoyed by the citizens of the State of Washington and to the quality of life in this state. • • •

We who support the equal rights amendment do not say, simply, "Trust us." Our position is not based on blind faith. We have had years of debate, conducted extensive hearings, and perhaps most important, years of practical experience living with equal rights amendments in several of our States. The dire predictions have not materialized. For me, the issue is simple: Women should be acknowledged explicitly in our Constitution as being "endowed by their Creator with certain inalienable rights."●

EQUAL RIGHTS AMENDMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BROWN of California. Mr. Speaker, I cannot say that this is a particularly proud moment in our Chamber's history. Yet again we must vote on a fundamental question of equal rights—a question this Congress supported over 11 years ago and reiterated in 1979 in its unprecedented extension of time for ratification of the equal rights amendment [ERA]. The ratification failed, not for lack of public support, but because a handful of legislators in a few States failed in their obligation to over half of the citizens of this Nation. Today we have the opportunity to vote again for the ERA; today we have the opportunity to vote for the most basic of rights.

The equal rights amendment is essentially a question of economic rights for women—women who are white

collar, blue collar, and pink collar; women who are homemakers, women who work outside the home all their lives, women who alternate between the home and the workplace. Every woman in our diverse society would benefit from the addition of the equal rights amendment to the U.S. Constitution.

For the homemaker, the ERA will recognize the economic partnership of marriage and will acknowledge the homemaker as an equal contributor to the family. Many laws and practices operate to deprive homemakers of economic security during marriage, upon divorce, or at widowhood, by failing to recognize their valuable contribution to their families and society.

Problems resulting from the homemaker's lack of legal and economic protection become acute if the marriage ends through divorce or death. Divorced women rarely receive alimony, and often receive no child support. Discrepancies between the earnings of men and women exacerbate the problem. Under the ERA, laws and court orders relating to domestic relations will be based on the principle that each spouse contributes equally to the marriage.

In Pennsylvania, the court used the State ERA to recognize the importance of the custodial parent's role in staying home with the children. Defining rights and responsibilities in sex neutral terms means that both breadwinners and homemakers are entitled to legal and economic recognition, not that each must perform both functions.

While nearly a third of all marriages dissolve in divorce, the equal rights amendment by no means protects merely divorcees. The present social security system works against the homemaker in various ways. The unpaid homemaker receives absolutely no disability protection for herself or her family; her survivors receive no benefits. If an employed married woman leaves the paid labor force to care for her family, she is penalized by having zero earnings entered into her savings history and her payouts are reduced. The ERA would require the reexamination of sexist assumptions that underline the social security system.

These assumptions are not mere platitudes by a few vocal women, but real economic concerns. Today 53 percent of all women—43 percent of the total labor force—work for pay. Their unique work patterns stemming from childbearing and rearing responsibilities are not recognized as having economic worth, and hence are not provided for in present retirement systems, including social security. In 1979, 2.3 million retired women who paid social security taxes were no better off than had they never worked for pay and never contributed to social security. The net result is a growing population of poor, elderly women, 85 percent of the elderly poor are single women; 60 percent of them depend solely on social security for their income.

Women with other retirement plans fare little better. Inequities in pension systems abound. Regulations which ignore women's typical work patterns, such as minimum participation age and vesting requirements, coupled with inadequate provision for survivor benefits, resulted in 1981 in only 10 percent of retirement age women receiving a pension, compared to 28 percent of retirement age men. Even if a woman does have a pension based on her own earnings, her average benefit is only 59 percent of a man's average benefit, reflecting continuation of the wage gap into old age. The industry estimates that $2 billion will be required to equalize pension payouts. While that is a lot of money, it is only three-tenths of 1 percent of current pension fund assets.

The working woman fares little better. Discrimination against women in the marketplace has not been eradicated, despite laws to protect them. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination and the Equal Pay Act of 1963 requires wage equity, but in 1983 women continue to earn only 59 percent of men's income. These equal employment laws and affirmative action policies are simply inadequate, unevenly applied, and often loosely enforced. And, as with all statutes, they can be repealed or weakened at any time, or simply not enforced by the agencies charged with that responsibility.

Growth in the number of single women heading households has been dramatic. Accompanying this trend has been a phenomenon known as the feminization of poverty—more than half of the total number of poor families in the Nation are maintained by women. Almost three-quarters of minority children in female-headed households live in poverty. If this trend continues, it is estimated that 100 percent of the poverty-stricken in the year 2000 will be women and their children. If wives and female heads of households were paid the wages that similarly qualified men earn, about half of the families now mired in poverty would not be poor.

A statute-by-statute approach to remedying economic bias does not work. Only a constitutional guarantee of equal employment opportunities for women can get at the root of the problem. Women are in the work force to stay. Limited access to job training, vocational studies, and educational fields will insure the endurance of the feminization of poverty and the widening of the wage gap. The ERA would prohibit sex discrimination by public employers, prompt State legislatures to repeal discriminatory laws, and guide the courts when enforcing laws. Loopholes and exceptions in equal employment laws would be closed.

One of the more emotional issues surrounding the equal rights is women and the military. Yet if this issue is carefully examined it can be seen that it, too, is a significant economic issue. The Texas Population Research Center has just released data showing that among employed women of all races, those who have served in the Armed Forces are almost twice as likely to earn salaries at least $300 per week better than those women who have not.

The military is the largest employer and educator in the Nation and yet is virtually immune from policies and laws prohibiting sex discrimination. Currently, Federal statutes restrict the manner in which the Secretaries of the Air Force and Navy can assign women, and all the services—except the Coast Guard—further restrict the roles women can play. These restrictions jeopardize the women who must serve in dangerous military situations without the training and support essential to survival. Furthermore, exclusion from full participation in military service also means lost opportunities for college scholarships, veterans' education benefits, veterans' preference in Government employment, and veterans' insurance and loan programs.

Under the ERA, women would be treated equally with men with regard to registration for the draft. However, certain women, like certain men, may be exempted from the draft as conscientious objectors, the parents of dependent children, or because of medical reasons. Once inducted, men and women would be assigned responsibilities on the basis of service needs and individual qualifications, not gender. Even if the ERA is not enacted, women would not be protected from the draft. Ironically, the Department of Defense has already prepared legislation designed to alter existing law so that both sexes can be subject to future conscriptions.

The equal rights amendment is needed to achieve permanent economic equality for women. Existing laws are not adequate to eliminate sex discrimination. Current laws can be repealed or weakened at any time by lawmakers. The current administration has already implemented regulations that weaken title IX, the law prohibiting discrimination in public education, and has argued in court to severely limit its scope. As the American Bar Association states in explaining the need for the ERA:

No ordinary statute can provide the bedrock protection assured by a constitutional amendment. No court decision can provide that protection, for the courts may inter-

pret, but they may not amend the Constitution.

Mr. Chairman, women are persevering and shall not be denied this basic right. At the first women's convention at Seneca Falls, N.Y., in 1848, women resolved to obtain the vote; 70 long, hard-fought years later, women won that right. In 1923, the first equal rights amendent was introduced in Congress, but it was not until nearly 50 years later that Congress sent it to the States for ratification. We failed to obtain that ratification, but let no one assume it is a dead issue; let no legislator avoid his responsibility. The ERA is a basic right and women will and must persevere until that right is won, until the motto of Elizabeth Cady Stanton and Susan B. Anthony rings true, "Men, their rights and nothing more; women, their rights and nothing less."●

EQUAL RIGHTS AMENDMENT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BONKER. Mr. Speaker, I rise in complete support of this legislation, which I believe is long overdue to extend full equality and full protection under law to more than half of our entire Nation.

Nearly 1½ years ago, when the deadline for ratification of the equal rights amendment had expired, I joined with more than 200 of my colleagues in immediately reintroducing the amendment. Our purpose, as I stated then, was to send a signal to both supporters and opponents of the amendment that we will not give up and that ERA is an issue that will not go away.

Now the bill has come to the House floor, and I urge its overwhelming passage, so that we can begin again the long process of ratification by three-quarters of the States.

It saddens me that it is even necessary to have this debate today. Equality of rights and opportunities for women should be a fact of life. But sadly, discrimination still exists.

According to 1980 Department of Labor statistics, even when occupation, age, education, and duration of employment are identical, women still make less than 60 percent of what men make. Women with college degrees are paid less than men who did not complete high school.

Countless other forms of inequality persist in our society. While family and homelife have served as the foundation of American life, for example, full-time homemakers have only second-class economic and legal protections. Homemakers often find that if their marriage ends in death or divorce, they face numerous inequities in social security, pensions, employment opportunities, and access to credit.

The equal rights amendment before us today will establish a national policy that sex discrimination will not be tolerated. Countless polls establish this as the will of the land—over 75 percent of Americans consistently support equality of rights under the law for women. The ERA is strongly supported by churches, civil rights groups, labor unions, and legal, educational, and medical organizations.

The people from my own State of Washington demonstrated their commitment to equality of rights for women by enacting an amendment to the State constitution a number of years ago. During consideration of the amendment, opponents raised numerous charges regarding the military draft, abortion, homosexual marriage, and public restrooms and other facilities. But these fears have been proven absolutely unfounded—Washington State's experience under the State equal rights amendment has been wholly positive.

I pledge to continue my efforts to win passage of ERA and guarantee equal rights for all women. I hope that 1983 will be remembered as a year of long overdue achievements for women. As a woman has this year conquered space, so may all women win the battle against discrimination.●

EQUAL RIGHTS AMENDMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ANDREWS of Texas. Mr. Speaker, I rise today to speak on behalf of the equal rights amendment. As a freshman Member of this body, I am proud to have the opportunity to vote for this piece of legislation during my first term and I am heartened to see its strong and early renewal despite the vigorous and persistent efforts of those who would kill it or amend it beyond effectiveness. I have no doubt that as long as women in this country are denied equal rights under the law, the equal rights amendment will frustrate its detractors by its perpetual renaissance. But with any luck, Mr. Speaker, today will be the last time this body will have to debate what should be obvious to all of us: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This simple amendment would mandate the treatment of individuals as individuals under the law—without regard to sex. It is patently unfair to hold an individual to a different legal standard because of an immutable factor like gender. Sex should never be the sole determinant in any legal decision.

Men have been traditional breadwinners in the past and as such have been afforded the responsibilities and protections of full citizenship. Now, the majority of women in this country work outside the home, over 47 million women. yet we cling to antique notions of womanhood. We cannot quite appreciate the fact that women today—and half of female-headed households in this country fall below the poverty line—do not need the kind of protection they have been handed by the lawmakers of this country in the past. Women today are in need of equal pay and pension protection, not pin money or an allowance. They are in need of equal access in educational opportunity and vocational skills, not patronage.

Mr. Speaker, we cannot qualify equality, as Chairman RODINO states: "you are equal or you are not equal." If you truly believe in equal rights for women, it is as simple as that.●

EQUAL RIGHTS AMENDMENT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DYMALLY. Mr. Speaker, I am extremely pleased the House of Representatives again has the opportunity to affirm its support for equal rights for women. I am well aware of the arguments of those who say that equal rights must be achieved at the local and State levels through a multitude of changes in State laws and local ordinances. That is true enough. But it is an incomplete statement. The Federal Government has a proper role to play. The Federal Government's role is to lead the States and localities in their effort to bring about equality of rights for all dispossessed groups. If the House does not pass the ERA it will be shirking its duty to lead.

There are many demonstrations of the effect of Federal leadership on the behavior of individuals at the State and local levels. The Civil Rights Act is an instance of Federal leadership. Without that act, I have no doubt that the treatment of black people in this country would be a great deal more disgraceful than it is. Federal leadership in this case provided the incentive that was absolutely necessary to provoke change in all other sectors of American life. Though the language of ERA is simple, it is every bit as important to women as the Civil Rights Act is to black people. It is the concrete manifestation that the Federal Government is behind equal rights for women. Without ERA a certain necessary standard for the country will be missing, and it will have a profound

and undesirable effect. It will say to Americans that equal rights for women need not be taken seriously.

I suppose that some would scoff at this statement. But I think we can learn a lesson about the effect of lack of a standard at the Federal level on conduct elsewhere from the reaction of our commercial sector in instances where the Federal Government has declined to set an industry standard. We will shortly take up legislation that would require the Government to stay in the business of setting energy use standards for home appliances. Why are we taking up that bill? Because the States and even the industries themselves have demanded that we maintain this role. The industry would be disrupted without the standard. The States would be at a loss about what standards would be proper to set within their States. The appliance industry wants the appliance they sell in Maine to meet the standards set in California. They do not want to make a different kind of appliance for each place they wish to sell that appliance. We see this easily enough in the case of commodities. How much important it is that the Nation have one standard for the treatment of women. A woman in Mississippi must have the same rights as a woman in Maine, or New York or California, or any other State in this Union. Each woman must be guaranteed a standard of treatment, and that standard must be equality of rights with men and with other women no matter where in this country she might be. That standard will not be achieved in each State until it is the standard for the Nation. Let us pass the equal rights amendment and offer the country the leadership we were elected to provide.●

EQUAL RIGHTS AMENDMENT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. SHUMWAY. Mr. Speaker, I would like to restate my opposition to the equal rights amendment (ERA). Throughout the years that I have held elected office, I have made clear my views on the ERA on many occasions, and have made no secret of my dislike of the proposal.

Today, however, my opposition to the substance of the ERA not only continues unabated, but has in fact been bolstered by the nebulous and unsatisfactory answers to valid questions, by the confused reasoning as to the impacts of the ERA, and by a blurring of the objectives which the ERA seeks to attain.

We have had this subject before us for discussion during the past 12 years. It has been considered by State legislatures for 10 years, yet has failed to gain the ratification of the necessary three-fourths of those legislatures. Therefore, it seems appropriate to ask why ratification has not materialized, and the answer becomes quite obvious: State legislatures and the public have serious doubts about what the amendment will actually do. They are uneasy about how it will be interpreted by the courts, and they have misgivings as to what some of the impacts will be. Thus, it seems to me that those who really want to see the measure adopted as part of the Constitution would do all possible to supply the answers needed, and to cure some of the vagueness that has been attributed to the ERA. Proponents should realize that simply saying the courts will interpret it is just not good enough.

There are God-created distinctions between men and women, some physical and some physiological. I believe that those distinctions need to be recognized. To be sure, our Creator intended that men and women have equal rights and opportunities. But it was not intended that in achieving that equality we would obliterate gender distinctions, resulting in a unisex society. Therefore, how we assure such equality without erasing those distinctions needs to be carefully reviewed and understood. Unfortunately, today we find ourselves placed in the position of being unable to end the vagueness or cure the defects which have prevented ratification of the ERA. That brings me to my second, equally strong opposition to this matter: the process.

The Judiciary Committee chairman has stated repeatedly to Members, both orally and in writing, that we would debate the ERA under an open rule so that amendments could be offered fairly and be fully considered. Certainly, anything as important as an amendment to the Constitution is deserving of no less than the fullest debate and opportunity for amendment. The fact that we cannot do that under the suspension procedure tells me that ERA proponents really do not have ratification of the ERA and equality for women as their primary purpose—instead, they have chosen to politicize the issue in an attempt to make partisan gains for the elections to be held next year. The refusal of proponents to supply needed answers, or to permit the inclusion of language which would assuage the concerns which previously prevented ratification, indicates their true hand. Their primary objective is petty, partisan gain.

Finally, I find it ironic that we are supposedly debating a so-called equal-rights measure, yet we are denying the rights of millions of American women who do not want unisex status, who cherish their womanhood, and who resent the activism of many outspoken women's groups. We are ignoring those women whose rights are being stifled by militant voices which seek to parade before the press, proclaiming a victory for equal rights in America.

I am opposed to the ERA in substance, I am opposed to the process under which it is being considered, and I resent the fact that it tramples roughshod over the rights of millions of American women. The House will be doing this country a disservice and denigrating the Constitution by passing this bill today.●

EQUAL RIGHTS AMENDMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. TOWNS. Mr. Speaker, I am very pleased to be a cosponsor of House Resolution 190, to retain the guidelines for sex equity in education.

Title IX has been instrumental in improving educational opportunities for women and mandating sex equity in school athletics. The national study on the effectiveness of title IX, the half full, half empty glass points out that the number of women who now choose engineering as a profession has increased by more than 6,000 in 1980. In the athletic area, women have achieved their most significant gains from title IX. In the past few years, the number of colleges offering athletic scholarships to women has jumped from 60 to 500. In my own family, I have seen the difference title IX has made for daughter, Deidre, who became active in gymnastics at an early age because of the increased sports opportunities for girls in athletics.

Not only does the Gove City case threaten title IX enforcement, other civil rights laws could well be undermined by a court finding that student financial assistance is not considered direct assistance to a college. Today, we will hopefully reaffirm Congress commitment to equal opportunities in education. To limit the jurisdiction of title IX would, in essence, deny an inalienable right to be assured equity in all educational pursuits. I hope my colleagues to wholeheartedly endorse House Resolution 190.●

EQUAL RIGHTS AMENDMENT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DASCHLE. Mr. Speaker, I rise in support of House Joint Resolution 1, the equal rights amendment.

We need the Constitutional protection of the equal rights amendment because existing laws are wholly inadequate to protect against discrimination based on sex. Discrimination has led, and leads, to women being steered into particular types of educational training, and consequently, into low-paying jobs. Today's laws also allow discriminatory pension plans, property rights, and credit practices.

While there are laws on the books to protect against sexual discrimination—the 14th amendment, the Equal Pay Act, title VII of the Civil Rights Act and title IX of the Education Act—they have been interpreted unevenly in the courts. The 14th amendment has not stopped court decisions denying women the right to vote, permission to practice law and permission to work the same hours and at the same kinds of jobs as men. It has also not allowed homemakers to receive legal recognition for their contributions to their families, thus denying them property and other rights. What we need is a constitutional basis upon which to prohibit discrimination based on gender.

Beyond the issue of inconsistent court decisions are the equally unpredictable actions of the Federal Government. As Congress and the administration changes, so do rights and protections against sex discrimination. For instance, the Reagan administration has given a very narrow interpretation to title IX, which bans discrimination against women in educational programs receiving Federal funds. The Justice Department has construed this law to mean that only educational programs or activities that receive Federal funds directly should be constrained by existing Federal laws that prohibit sex discrimination—not the school as a whole. Not only does this adversely affect opportunities for girls and women, it also sets a very disturbing precedent for laws concerning other types of discrimination, including race, religion, and handicap.

Another example of equal opportunity for women swinging with the pendulum is the current administration effort to defund the Women's Educational Equity Act.

One only need look at wage statistics to see the price that women have paid for being the objects of discrimination. Women earn 60 cents for every dollar made by men. At every age and educational level, men receive more pay than do women. Women with college degrees make less than men who have not graduated from high school. Men in clerical jobs average $18,247 per year, while women receive $10,997 for the same work. Men teachers receive an average annual salary of $19,675 and women teachers $15,151. While male laborers receive an average salary of $12,757, women in the same jobs receive $9,747.

For minority women, the average salaries as compared to men's salaries are even lower. Black women earn 55 cents for every dollar earned by men, and Hispanic women receive 50 cents. There are no figures available for American Indian women, but the figure would surely be very low. Nearly one quarter of all American Indian households are headed by women. South Dakota has the highest percentage of any State of households headed by Indian women—37.9 percent.

Most women are concentrated in 20 occupations, while the majority of men occupy 250 occupations. Women make up 83 percent of home economics students, while 94 percent of the trades and industry students are male. Many vocational education programs discourage women from entering training programs for male-dominated professions. New York City, for instance, has maintained a virtually sex-segregated vocational education system.

With regard to military duty, women are currently by statute prohibited from certain jobs and from the draft. I do not think these laws are fair. In many cases they discriminate against women by closing certain types of professions and training to them. It is interesting to note, however, that the Coast Guard has no restriction on the positions women may hold, and so in times of war, Coast Guard women would be doing the same types of jobs from which Navy women are barred.

It is a real loss that the military, which is the largest employer and educator in the United States, is restricted with regard to opportunities for women. Those opportunities which are available, however, have had a positive impact. Women who have served in the Armed Forces are twice as likely to earn salaries of $300 per week than those women who were not in the military. The difference would be even more stark if women were able to have jobs commensurate with their abilities. Carolyn Becraft, director of the Women's Equity Action League National Center on Women and the Military, testified before the House Judiciary Subcommittee on Civil and Constitutional Rights:

> The effect of the so-called "combat exclusions" is to control women's participation in the military, while still allowing Congress and the service branches enough flexibility to assure that women will be available when their skills are required. Behind every combat exclusion lies an exception—"except" nurses where they are needed; "except" in times of "real" national emergency; "except" when enough qualified men are not available.
>
> The existence of these exclusionary laws and policies does not, then protect women from combat. The real result is the creation of artificial barriers to promotion and to policy-making roles.

We have all suffered because of discrimination against women. We as a nation have prohibited over half of our population from having an equal opportunity for individual fulfillment and accomplishment. Both fairness and economics demand that we pass the equal rights amendment.●

EQUAL RIGHTS AMENDMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. RICHARDSON. Mr. Speaker, I rise in strong support of House Joint Resolution 1, the equal rights amendment.

The equal rights amendment would make one brief but profound addition to the U.S. Constitution—"equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Simply stated, the equal rights amendment will insure that women be afforded the same rights and privileges as every American.

The piecemeal approach to eliminating statutes that discriminate against women has proven to be ineffective. Women still lag far behind men in income levels and career advancement. It is vital that equal rights for women be made part of the U.S. Constitution.

Many have expressed displeasure over not being able to offer amendments to House Joint Resolution 1. But this approach would be unacceptable. Equality has no qualifications or limitations. If one is not equal in every aspect of life, then one is not equal at all.

Mr. Speaker, women have waited long enough. The Nation has waited long enough. Let us act now to pass the equal rights amendment so that we may be true to the values that make us a great nation.●

EQUAL RIGHTS AMENDMENT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FEIGHAN. Mr. Speaker, 10 years ago, as a freshman member of the Ohio House of Representatives, I had the privilege of rising to speak in support of the equal rights amendment. Early in 1974, Ohio became the 33d State to ratify the ERA.

Today, I rise again—this time as a freshman Member of the Congress—to restate my continuing commitment to ratification of the ERA. It is an American tragedy that we must act again to put before the States a statement of human dignity and human rights as simple, forthright, and compelling as the equal rights amendment. It has

rightly been characterized as "a matter of simple justice."

Why, then, has the equal rights amendment faced such strident opposition?

The root cause, is suspect, is fear. Fear of the unknown. Fear of change, the kind of fear that our world—with its rapid pace and shifting social patterns—can cause in men and women who do not know what the future holds but know that it will be different.

And so the debate surrounding ratification of the equal rights amendment descended, on the part of its opponents, to fantastic allegations of the dire consequences of adding ERA to the Constitution.

The facts prove them wrong. A decade of experience in States that have approved equal rights amendments have resulted in none of the horrors predicted. The elimination of sex-based distinctions in criminal and family law have strengthened—not weakened—our basic social institutions.

Mr. Speaker, while thinking about what I could say today in support of the equal rights amendment, I turned to a standard reference volume to look for a quotation that might be appropriate; that might capture the importance and rightness of the equal rights amendment. Unfortunately, the quotations contained in that book almost uniformly demonstrated the need for the ERA. None captured the eloquence and clarity of those 24 words that make up the ERA. Instead, each reflected an attitude toward women that was patronizing at best. Each treated women as something less than men.

That attitude continues to permeate our society. And the equal rights amendment, unfortunately, can only begin to overcome it. But it will demand that we eliminate its vestiges in the laws of this Nation. And it will insure that later Congresses cannot undo the progress that has been made since the enactment 20 years ago of the Equal Pay Act.

Ratification of the equal rights amendment is long overdue. And it is, I believe, inevitable—because it is right.●

EQUAL RIGHTS AMENDMENT

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mrs. BURTON of California. The widespread discrimination against working women in America can be clearly seen in the gross inequities of the Nation's social security system. Women currently comprise 53 percent of the total population in the United States and 43 percent of the work force. Despite the enormous contribution these women have made to the economic well-being of the Nation, they are provided precious little security under current retirement systems, including social security. Childbearing and childrearing responsibilities greatly influence the pattern of women's participation in the work force. Because they must often move in and out of the work force, women are frequently unable to acquire meaningful retirement credit. The ratification of the equal rights amendment would go a long way toward correcting this injustice.

Mr. Speaker, the Declaration of Independence states that "all men are created equal." This Nation's women believe it to be a self-evident truth that all men and women are created equal and are endowed with the same unalienable rights.

I urge my colleagues to affirm those rights and vote in favor of the equal rights amendment.●

EQUAL RIGHTS AMENDMENT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. UDALL. Mr. Speaker, as I cast my vote in favor of the equal rights amendment today, I am proud to take part in a movement where women have made great strides in breaking down discriminatory barriers, entered fields previously closed to them, and forced us all to rethink our ideas about the roles of men and women in this society. And yet, I am saddened by the slow pace of it all. Saddened that in 1983, in this age of advanced technology, women are not afforded equal rights under our Constitution. Saddened that the United States—a country other countries look up to, a people other peoples try to emulate—has denied over half its population full equality under the law. Saddened that this body has chosen to argue procedural issues rather than work toward the passage of this vitally important measure.

I fear that we are at a critical point in the struggle for women's equality. Over two-thirds of the people in this country favor the equal rights amendment, but our President does not. Women comprise almost half the work force, and yet workingwomen on the average earn only 59 percent as much as men. Half of all the poor families in this Nation are headed by women, yet the administration has worked toward drastic spending reductions in social programs that help these families; it is projected that by the year 2000 nearly all poverty-level households will be headed by women. This administration, by its continued efforts to weaken equal opportunity laws and regulations, has demonstrated just how tentative women's rights are and how important it is to provide a constitutional guarantee. It also has proposed crippling budget cuts for the Women's Educational Equity Act program, the Women's Bureau at the Department of Labor, for family planning and displaced homemaker programs, as well as many other programs affecting women.

We are at a turning point. Women face discrimination and sexism in every facet of their lives and will continue to, until their rights are secured in the Constitution. The ERA is not the end-all in the struggle for women's equality, but without it, we will never achieve our common goal of equality under the law for all citizens.●

THE EQUAL RIGHTS AMENDMENT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ROYBAL. Mr. Speaker, I am honored to speak out today on behalf of House Joint Resolution 1—the equal rights amendment.

It has been 60 years since the ERA was first introduced in Congress. When one reflects on what this Nation has experienced during this time period—World War II, Vietnam, Korea, men—and women—in space, the civil rights movement, assassinations, riots and test tube babies, to name only a few things—it is absolutely astounding that we have witnessed these events and absorbed these changes, and still have not guaranteed equal rights under the Constitution to half our population. And although ERA's critics would have us believe current statutes and regulations are enough, and will point to countless accomplishments and "firsts" by women in recent years as evidence, the fact still remains that women earn 59 cents for every dollar a man earns, that three out of every five persons with incomes below the poverty level are women, and that older women make up the fastest rising poverty group. In addition, this administration has shown its determination to weaken even those few statutes currently in force.

Women are discriminated against every day in hundreds of ways, overt and subtle. They must deal with attitudes marooned in the dark ages, they must accept salaries much lower than those paid to men doing comparable work, they must contend with unequal pension and health benefits, they must watch their male colleagues promoted over their heads. How can we

look at these figures and facts and say the ERA is unnecessary?

I also fail to understand how opponents can claim that the simple statement that is the ERA has such dire implications for the future of our society. Commonsense and history will tell you their wild accusations simply have no basis in fact, and are completely irrelevant to the issue in question—the prevention of discrimination based on sex. When we finally passed the Civil Rights Act, the country did not cave in. In fact, we were stengthened enormously. Our form of Government did not collapse after women got the vote—and women have contributed immeasurably to the sustenance and enhancement of our political structure, procedures, and policies. The arguments against the ERA are the same arguments, more or less, as those directed at the above-mentioned legislation—and have about the same amount of validity. I truly do not think the American people who, according to Time magazine, support the ERA by a more than 2-to-1 margin, are going to be staved off this time by scare tactics and cheap innuendo, either at State or Federal levels. We should not be either.

The time for the ERA is now. It is a national disgrace that it has not been made a part of our Constitution long before this. I urge my colleagues to join me in voting in favor of House Joint Resolution 1, urging the Senate to act accordingly, and working to insure that the States ratify the amendment. The ERA is necessary, it is timely, and it is justice.●

THE EQUAL RIGHTS AMENDMENT

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LONG of Louisiana. Mr. Speaker, I wish to make my remarks brief. I rise in support of House Joint Resolution 1. I am an original cosponsor of this bill, and am firmly committed to its passage.

The women of our Nation are asking for nothing more than to be recognized and protected in our Constitution. They deserve nothing less. They deserve once and for all to be recognized as first-class citizens, and to enjoy the rights and responsibilities inherent in the equal rights amendment.

However, I regret that we are considering this amendment today in a way that gives us a limited time to discuss many of the controversial issues. These issues are bound to be raised during consideration by the Senate and throughout the ratification process in the States. The 20 minutes of debate does not allow the House ample time to develop fully the legislative history on each of the issues involved.

I also regret that because of these procedures, I am not given the opportunity to express my support for both equal rights for women and equal rights for the unborn.

The vote I cast today does not lessen my support for both issues. I can in all conscience, support both issues because it is my firm conviction that there is no connection between the issue of equal rights for men and women, and the issue of protection for the unborn child. They are not connecting issues, and I believe the stated position of the House should be that they are not intended as such.

The legislative history is clear in this regard. Chairman EDWARDS stated unequivocally in 1978, during debate on extension of ERA, that the equal rights amendment does not recognize the right to abortion to exist anywhere in the Constitution, including that which the Supreme Court held to exist in Roe against Wade. He explained that Roe against Wade was premised on the right to privacy theory, and not on a question of sex discrimination. Furthermore, courts in States with equal rights amendments similar to the one we are considering today have taken similar positions. In Massachusetts, when State medicaid restrictions on abortion were challenged under ERA, the court struck down the restrictions. They made their findings on State due process law and not on the ERA claim. In Connecticut the court ordered State funding on privacy and other grounds, and not on ERA.

Mr. Speaker, as I stated earlier, this vote I am casting today does not lessen my commitment to equal rights for unborn children. I firmly believe that passage of ERA would in no way jeopardize their rights. These are separate issues, and should be dealt with separately. I have always voted for and supported pro life legislative proposals, and will continue to do so in the years to come. My support for the rights of unborn children is as unwaivering as my support for the equal rights amendment. I can vote for both, and I will vote for both. I urge my colleagues also to consider these issues separately, and to support ERA today.●

THE EQUAL RIGHTS AMENDMENT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FUQUA. Mr. Speaker, I intend today to vote against House Joint Resolution 1, the equal rights amendment. I do so without making a final determination as to how I will vote should the measure return to the House floor under regular procedures. I just believe that suspension of the rules is a poor way of amending our basic governing document, the Constitution.

More than half the Members of this body today were not here when the ERA was debated more than 10 years ago. They deserve a full and open debate.

Further, there are serious amendments to be considered and these amendments are worthy of our attention. The right to offer amendments to the ERA should not be denied.

The fact is that suspension of the rules was used for the constitutional amendment eliminating the poll tax. Surely the supporters of the ERA recognize that this amendment is far more reaching in its scope and is not to be considered technical in nature.

I object to the procedures used today and shall vote accordingly.●

EQUAL RIGHTS AMENDMENT

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. WHEAT. Mr. Speaker, I rise in strong support of this legislation.

It is time, it is long past time, that America grants equality to women under the law. The equal rights amendment is the appropriate vehicle that will bring women the basic constitutional right of equality. Only by force of a constitutional amendment will women have fair and equal opportunities in employment, education benefit and retirement plans, marriage and divorce.

Measured by any standard, gender lines have not been eliminated in our society. Today, nearly 60 percent of America's women work outside the home. Workingwomen contribute greatly to the strength and prosperity of this great Nation. Yet, it is a fact that women today earn, on the average, only 59 cents for every comparable dollar earned by men. A woman with a college education today earns less than the average man with an eighth-grade education. And while women comprise 51 percent of our population, they only hold 6 percent of the management jobs in our economy.

Mr. Speaker, the ERA is a straightforward statement of principle. The issue addressed by the equal rights amendment is one that goes to the very core of our national commitment to equality of rights for all of our citizens. The ERA simply and plainly provides that equality of rights under the law shall not be denied or abridged by

the United States or by an State on account of sex.

I believe the ERA is essential because without it a majority of our citizens will lack the fundamental guarantee of equal treatment under the law. There can be equality in our Nation when we have discrimination against some.

Much progress has been made in recent years toward ending discrimination against women. The Equal Pay and Equal Credit Acts, the Civil Rights Act forbidding discrimination in employment and title IX insuring equality in education are great achievements. But they are a piecemeal approach to a problem that demands a comprehensive solution. The adoption of the ERA is necessary to establish a national standard for the elimination of discrimination based on sex.

Contrary to what some believe, the ERA would not lead to unisex bathrooms, force women into combat, and discriminate against homemakers. The ERA will not force people to change their lifestyles or threaten the integrity of our basic institutions. The ERA, by reaffirming the intrinsic worth of all people, will strengthen the family and our traditional institutions.

Public support for ERA spans the spectum of American society. Every poll, every survey—even in the nonratifying States—shows an overwhelming support among the people for ERA. A recent national poll showed that 75 percent of the American people support equal rights under the law for women. Organizational support for ERA is also strong. More than 500 organizations representing more than 50 million Americans have endorsed the ERA. These include major labor unions, church and civil rights groups, legal, educational, and medical associations, and all major women's groups.

The need for ERA was great in 1923 when it was first introduced in Congress. The need was great in 1972, when Congress first approved it. The need is still great today.

Mr. Speaker, I campaigned in 1982 on a pledge to the people of Missouri that I would work for passage of the equal rights amendment. I made it clear that I would strongly endorse and support the ERA. I am glad to have the opportunity to honor my pledge to the people of Missouri and vote in favor of the ERA. I urge my colleagues to join me in support of this legislation.●

EQUAL RIGHTS AMENDMENT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. DREIER of California. Mr. Speaker, the leadership's decision to bring the equal rights amendment to the House floor under suspension of the rules is an outrage, plain and simple.

I hardly need to remind my colleagues that suspension of the rules is a procedure for noncontroversial legislation. Debate is limited and amendments are not allowed only because they are unnecessary. Today, however, that procedure is being used as a gag rule, and is objected to by both supporters and opponents of the ERA.

Under normal circumstances, we amend legislation to correct its flaws or shortcomings. In extraordinary circumstances such as amending the Constitution, Congress has taken extreme care to debate, to ponder, to amend, and only then to act. How is the ERA any different? How can we possibly examine every aspect of this far-reaching constitutional amendment in only 40 minutes?

This is not a vote on the ERA. This is an outrageous affront to the integrity of the legislative process, and a disservice to supporters and opponents of the ERA alike.

I urge my colleagues to defeat the motion to pass House Joint Resolution 1 under suspension of the rules, and welcome the opportunity to reconsider the ERA under legitimate and appropriate circumstances.●

EQUAL RIGHTS AMENDMENT

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MOORE. Mr. Speaker, I have always supported equal rights for women and would like to vote for the equal rights amendment. Unfortunately, due to the flagrant disregard for the Constitution, the democratic legislative process, and the concerns of many who wished to offer amendments, exhibited by having House Joint Resolution 1 considered on the Suspension Calendar, I was forced to vote "no" as a responsible legislator.

Amending the Constitution is very serious business and merits more than the mere 40 minutes of debate allowed bills considered on suspension and better timing than in the turbulent closing hours of the first session of this Congress. Evidently only 1 of the 26 amendments to the Constitution (the 24th abolishing the poll tax) has ever been on the House floor under suspension and probably because it was not controversial. The same cannot be said of this proposed amendment. The Suspension Calendar is supposed to be used only for noncontroversial measures.

In addition, there are serious concerns of the effect of this proposal on abortion, the draft, and assignment of women in combat, and private single-sex schools, to mention a few. These concerns should be resolved through amendments which are not allowed bills considered under suspension. Many of these concerns were responsible for this amendment not being ratified in the past and could well cause it the same fate if sent to the States in this fashion. Most observers agree several of the proposed amendments would pass the House, especially those concerning abortion and women in combat.

Therefore, one must conclude that this measure is being removed from the normal legislative process not because it is noncontroversial, but because it will be changed if the majority is allowed to work its will. There are those who wish to abuse the House rules to thwart the majority—hardly a democratic notion anytime—but totally inexcusable for a constitutional amendment.

Surely, the cherished concepts of the Constitution, democracy, and women's rights are entitled to a normal debate, on a regular business day early next session, allowing the regular amendment and legislative process to work its will. Failure to honor these concepts dishonors them, and will be a regretted action. My vote today, Mr. Speaker, is clearly, therefore, not against equal rights for women or even against the equal rights amendment.●

THE EQUAL RIGHTS AMENDMENT

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ALBOSTA. Mr. Speaker, I want to state my strong opposition to the way in which the equal rights amendment was considered today by the House of Representatives. An amendment to the U.S. Constitution is certainly deserving of a full and open debate—we should not take lightly the amending of this important document.

I had planned to vote in support of the Sensenbrenner amendment clarifying that the right to an abortion is not guaranteed by the ERA, but was denied the opportunity to do so due to the decision to consider it under suspension of the rules. Although I did not have the chance to express my views on protecting the rights of the

unborn, I still believed it important to vote for the ERA in order that we protect the rights of women by establishing as a fundamental policy of our Government that no individual may be discriminated against on the basis of sex.

I remain supportive not only of equal rights for women, but also of equal rights for our unborn through the passage of a constitutional amendment which would ban abortion. I will continue to work toward both of these goals, and urge my colleagues' support of them.●

THE EQUAL RIGHTS AMENDMENT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MINETA. Mr. Speaker, today we consider one of the most important legislative measures in the history of our country—the equal rights amendment. It amends the Constitution so that an omission in this great document will be corrected. When the amendment is ratified, our Constitution will finally guarantee that all Americans must be treated equally under the law.

The equal rights amendment is not complicated. In keeping with the purpose of the Constitution, it is a broad statement of public policy. It is not a detailed listing of all possible ramifications.

As we all know, the amendment reads simply:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

That message is clear and just. Women will have the same protection under our laws, and the same opportunities under our laws, as men.

The issue is equality for women. You are either for or against this principle. It is that straightforward. If you support full equality for America's women, then you will vote for the ERA today. If you do not support equality for America's women—if you are determined to continue denying them the rank of full-class citizens in this Nation—then you will vote against the ERA.

There are many Members here who are concerned with the procedures under which the House will consider the amendment. They argue that 40 minutes of debate is too little for discussion of such a significant measure. I agree that the measure is of the utmost importance, and that is why I object to time being wasted on unnecessary, long-winded speeches. They only serve to cloud our deliberation.

Americans have discussed this legislation for years, even decades. We all understand it. It is not complex—women must be treated equally under the law. This concept does not require a ponderous amount of deep thinking. It should not be subject to obfuscation and doubletalk.

But, opponents of the amendment couch their arguments in pleas of confusion. They say the ERA is complicated, its intent vague, its ramifications unclear. Thus, to "clean up" the wording, they propose a string of amendments which would cut women out from the very law that is supposd to protect them.

This would not be cleanup nor clarification. This would be a low attempt to weaken and even destroy the intent of the ERA.

What we sorely need today is legislative reform. And that is what the equal rights amendment is all about. To delay consideration, or to insist that each State pass its own amendment, is inappropriate. The purpose of the ERA is to recognize the equality of women in the highest law of the land, the Constitution.

Attempts to weaken the ERA with special-interest amendments spell death for this legislation. Let us pass the amendment in its purest form with the speed and integrity it deserves.

A vast majority of the citizens in our Nation support the equal rights amendment. They depend upon Congress to start the ratification process rolling again. To turn our backs on this great mandate is callous and dishonest.

We were elected to insure the well-being of the American people, all the American people. Today, we must live up to that responsibility.●

THE EQUAL RIGHTS AMENDMENT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FOGLIETTA. Mr. Speaker, I rise in strong support of this resolution. Much has been said, and will be said, on both sides of this issue. Let me be brief.

It is imperative that this constitutional amendment be adopted. It is embarrassing to me, as an American who believes strongly in complete equality under the law for everyone, that we have to pass this resolution again.

Yes, there are laws currently in place and legislation pending that help eradicate gender-based discrimination. they in no way preclude the pressing need for this constitutional amendment.

Let us get on with it. The ERA is an idea whose time came long ago. It is a shame that today, in 1983, we are still mired in the debate that we are. Let us be responsible and forthright. Let us affirm our commitment to equality for all people. Let us pass this resolution.●

EQUAL RIGHTS AMENDMENT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. WOLPE. Mr. Speaker, as an original cosponsor of House Joint Resolution 1, I offer my strong support for the equal rights amendment. No question to come before this body can be of more importance than how to provide equal justice and opportunity to all citizens of our Nation. There is no better answer on how this can be achieved than through passage of the ERA.

The equal rights amendment was first introduced in Congress 60 years ago. We have come a long way since then. It has been 20 years since Congress has passed the Equal Pay Act, 9 years since passage of title IX which disallowed sex discrimination in public education. But there remains a long road ahead. Even today, women make only 59 cents to every $1 learned by a man and recently Federal regulations have been interpreted so as to weaken the impact of title IX legislation. It is evident that existing laws have not effectively eliminated sex discrimination. In addition, statutory law can be repealed or weakened at any time.

Unfortunately, any gains in sexual equality will always be threatened by the whim of a few legislators—or by the social views of a small minority—until equal rights become protected by the Constitution. And yet, this dramatic step to end discrimination once and for all would say nothing that is not already implicit in the Constitution. The equal rights amendment states, simply, that equality under the law should be denied to no one in this country; that the principles of equal opportunity, equal rights and equal responsibility should be applied universally. The equal rights amendment does not alter but only reaffirms traditional American principles. It is precisely because I believe our current practice—of statute-by-statute review—has violated the spirit of the Constitution, that I believe we should adopt the equal rights amendment as the 27th amendment to the Constitution, thereby explicitly securing the principle of equal rights for all in the fundamental law of the land.

The equal rights amendment is not only a women's issue; it is a human issue. Men have benefited equally with women from the new found awareness that no profession, social role or personal commitment should be restricted

to members of one sex. The principle of equal rights is as relevant for men as for women—for it provides the vehicle for creating new opportunities for members of both sexes. The passage of the ERA would be liberating for all. No doubt this is why a recent Gallup poll has shown—as many polls throughout this decade have shown—the American public, men and women alike, supports the ERA by a 63 to 33 percent majority.

On this day, we must support the equal rights amendment, in its original language, clarifying once and for all time that our Constitution guarantees equal rights for all Americans.●

EQUAL RIGHTS AMENDMENT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. LEHMAN of California. Mr. Speaker, I am proud to extend my strong support for the equal rights amendment today in its simple and straightforward form.

While the original wording of the amendment has been the subject of debate and research for many years, I deeply believe that the ERA as it stands now best addresses the need for a constitutional guarantee of legal equality for all people. Any amendment to the current wording would detract from the essential impact of the constitutional principle of equality.

It has been well-documented that women face occupational roadblocks and stagnation, pay inequities, and general exclusion from the high-wage sector of the job market. Discrimination based on gender has an adverse effect on elderly women attempting to survive on smaller pensions, on women who head the vast majority of single-parent families, on women who are striving to live up to their full intellectual potential in the career world, and on women everywhere, in all walks of life trying to assume their rightful place alongside men in this society. In a society as advanced and enlightened as ours, the continuation of sex discrimination casts a slur on our position as the leader of the free and democratic world.

There is no question that the need exists for a constitutional amendment to establish equal treatment for men and women as citizens and individuals under the law.

Mr. Speaker, we are debating an issue of fairness whose resolve is long overdue. Equal treatment under the law helps all individuals, women, and men alike. Today, we have an opportunity to rise above our history of hypocrisy toward American women. The time has come for the passage of this fundamental and important amendment. I urge my colleagues to support the ERA.●

EQUAL RIGHTS AMENDMENT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. FORSYTHE. Mr. Speaker, today the House votes once again on the equal rights amendment to the U.S. Constitution. I first supported such legislation when I served in the New Jersey Legislature and then had the opportunity to vote for the Federal equal rights amendment when it was approved by the Congress in 1972. I also supported the extension of the original deadline for ratification of the ERA in 1978. I still actively support the ERA and I am a cosponsor of House Joint Resolution 1, but the manner in which the House is today considering House Joint Resolution 1 is unconscionable. I will, therefore, be opposing House Joint Resolution 1 today on procedural grounds.

We are considering a constitutional amendment under a procedure which allows only 40 minutes debate and no amendments. The procedure we are using was intended for noncontroversial legislative bills, not amendments to the Constitution. The House Judiciary Committee heard more than 40 witnesses, representing a broad spectrum of opinion and considered several amendments to the resolution. Yet we are being asked to vote on this constitutional amendment without the benefit of the Judiciary Committee's report and without having available for review the testimony heard by the Judiciary Committee.

The Democrat leadership in the House has chosen to abandon reasoned and responsible consideration and is attempting to ram the amendment through this body for political reasons. It is my great fear that using this method to take the amendment back to the State legislatures for ratification will guarantee its failure rather than its passage. The supporters of the ERA tried for 10 years to have it ratified by three-fourths of our State governments and failed. To send the amendment back to the States without acknowledging the objections raised is nearly certain to guarantee its defeat. I think the ERA is too important to be used as a political ploy, and that a great disservice is being done to the ERA by forcing its consideration in this manner.

I am confident that there are enough votes in the House to pass the ERA after it has been openly and thoroughly debated. There are simply no substantive reasons that exist to account for the consideration of House Joint Resolution 1 in this manner. I urge my colleagues to join me in voting against House Joint Resolution 1 today so that we may consider the measure in an open and responsible fashion to help insure its ratification by the States.●

EQUAL RIGHTS AMENDMENT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. NICHOLS. Mr. Speaker, today you are asking this body to make a very serious decision—to vote on an amendment to our Constitution. We are not talking about a concurrent resolution, a technical amendment to existing law, or a private bill. An amendment to our Constitution is much more significant and far too important to be considered under suspension of the rules.

I intend to oppose the amendment today. There will be many who will misinterpret this vote. They will say it is a vote against all women in our society. Some will say that I am ignoring the legal needs of more than half our American population.

Let me clearly state that my "nay" vote has nothing to do with my beliefs regarding equal treatment under the law, regardless of sex. It has everything to do with the technique we are using to effect a change in our basic document of democracy. I refuse to make a mockery of our Constitution by voting to change it with just 40 minutes of debate.

Such a procedure is not fair to the millions of Americans potentially affected by such a change, or the millions of Americans who have given their lives to defend our Constitution.●

EQUAL RIGHTS AMENDMENT: CONGRESS MUST ACT NOW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MILLER of California. Mr. Speaker, I rise in vigorous support of the equal rights amendment to the Constitution, and I urge the House to vote overwhelmingly to pass the resolution before us today.

There is no stronger or more timely statement that can be made in support of full equality for women than enactment of the ERA. On two occasions, the Congress has approved this amendment, only to watch it languish, unratified by a sufficient number of States.

There are some who argue that, having passed this amendment twice,

and having watched the States fail to ratify it twice, we should now abandon this effort. This argument is morally, legally, and politically untenable. A wrong does not become less wrong merely because it exists over time. Nor does our obligation to right that wrong diminish by the failure of others to act against it. As our greatest spokesman for equality, Abraham Lincoln once said, "Important principles may and must be inflexible." So must we be inflexible on the subject of equal rights for women.

The failure to make the ERA part of the Constitution of this country is a failure of politicians, and predominantly male politicians, not a failure of the people of this Nation. An overwhelming majority of voters—men and women, liberals and conservatives—want ERA. The reason that we are again considering this amendment today is not merely because we support equal rights for women, but because the majority of the people of the United States demand equal rights for all citizens.

Politicians have been adept at inventing reasons why ERA cannot, or should not, be enacted. Those politicians must be held accountable, and they will be held responsible at the polls in 1984 for their refusal to endorse equality for women in America.

Some of these politicians argue that ERA is unnecessary because current laws require equality for women. But the legal and historic traditions of our country establish equality not in statutes, which can be interpreted in conflicting ways in different parts of this country, but in the basic law of this country—the Constitution.

If those who argue for statutory guarantees of equality in lieu of constitutional protections actually voted for stronger statutes, our laws promising equality would be stronger today than they are.

If statutes alone could assure equality for women, there would be far less inequality and discrimination against women than there is today.

Yet widespread inequality against women persists. In particular, women endure economic inequality in a world where they are increasingly economically independent. Over half of the women with children under the age of 6 and nearly two-thirds of those with school-age children are working.

Most women work for the same reason that most men work: They need the money to help support their family. In unprecedented numbers of cases—because of widowhood, divorce, and single parenthood—they are the sole wage earner in that family.

Yet despite equal pay laws at the Federal level and in many States, working women earn barely half the salaries of their male counterparts. In many areas, women's earning have declined compared to men's salaries over the last 30 years.

We all know that economic inequality, legal inequality, and political inequality are closely intertwined. The time to end that inequality based on sex has long ago come in the minds of the American people. It is the Congress and the State legislatures which have fallen behind the people they are supposed to lead.

Let us echo the words of William Lloyd Garrison, who, in demanding constitutional equality for black Americans a century ago, reminded us:

> You can not possibly have a broader basis for any government than that which includes all the people, with all their rights in their hands, and with an equal power to maintain their rights.

This House must put the full rights of our Constitution into the hands of all the people of this Nation. Let us stop playing rhetorical games with the basic rights of half our population. Make no mistake, the ERA is your opportunity to vote for full equality for women in this country.

Let this House go on record today in favor of ending centuries of second-class citizenship and social inequality for women in America by overwhelmingly approving, and sending to the States for ratification, the equal rights amendment to the Constitution.●

EQUAL RIGHTS AMENDMENT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MATSUI. Mr. Speaker, I rise in support today of one of the most important pieces of legislation that we have dealt with in this session, House Joint Resolution 1, the equal rights amendment. Approval of this measure will mark the first step in the march toward full ratification. It will reaffirm our commitment to insure that the civil rights of all our citizens, women as well as men, are protected under the Constitution.

Over the past decade, women have won numerous victories in their struggle to become citizens with equal rights, opportunities, and advantages. Much remains to be accomplished, however, as women continue to earn less than their male counterparts. In 1979, women earned roughly 59 cents for every dollar paid to men. According to these figures, women would be required to work 9 days, nearly twice as long, to earn the same amount that men are paid in 5.

The need for an ERA goes beyond questions of economic equity. With the enactment and ratification of this amendment, women will be assured fair and equal access to opportunities in employment, education, and benefit and retirement programs. An ERA will guarantee necessary protections for women throughout marriage, divorce, and old age.

As stated in a 1981 report by the U.S. Civil Rights Commission, "ratification of the equal rights amendment will provide a durable guarantee to women and men of equal status and dignity under the law. It will allow us to live and develop free from the Government intrusion that historically has classified and pigeonholed men and women according to stereotypes about their roles and capabilities." This report underscores the fact that the ERA will assure all Americans, regardless of their gender, the equal protection and due process entitlements inherent in our Constitution.

In light of our national dedication to the protection and expansion of individual rights, I believe it is incumbent upon us to pursue with renewed purpose the final ratification of the equal rights amendment. I am hopeful that the other body will recognize its obligation to assure equal treatment of all our citizens by passing the ERA expeditiously once the House has acted.●

EQUAL RIGHTS AMENDMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. KASTENMEIER. Mr. Speaker, it is most unfortunate that the equal rights amendment failed earlier today to receive the required two-thirds vote for passage under the suspension of the rules.

Those who argue that insufficient time was permitted under this procedure for debate and that it was unfair to bring the proposed constitutional amendment to the floor under a procedure that precluded amendments would have us believe that there are new arguments to be made against an issue that has been voted on three times in a little more than a decade. There are no new arguments. The case for the equal rights amendment has been well made through the years and should not be in dispute.

We have engaged time and again in skirmishes and battles with opponents of the ERA who have raised one smokescreen after another in an attempt to either defeat the ERA or render it meaningless. This year we have the arguments that it will result in these amendments limiting abortion being declared unconstitutional and will mean that women will have to be drafted and fight in combat.

The abortion issue, it seems to me, is falacious on its face. The longstanding legislative history of this amendment has made clear that the amendment would prohibit the application of laws

that apply to one sex only, except for those laws based on the unique physical characteristics of one sex. Clearly the ability to get pregnant and, therefore, to have an abortion, flows from the physical characteristics unique to the female sex. This amendment guarantees equal rights for men and women. Men cannot get pregnant; they cannot have babies; and, they cannot have abortions. There is no way the equal rights amendment can grant, or deny, to men an equal right to an abortion with women. This argument falls with the simplest of logic.

It is likely that with the adoption of the equal rights amendment women would be subject to the draft and would have to serve in combat, if they were able to based on their physical qualifications. As one opposed to conscription of men or women, I would not want to see a draft reinstated for anyone. But, if that were to happen, it seems to me that women who expect and deserve the full benefits of citizenship should also expect the full obligations of that citizenship, including the obligation to defend this country. Women are as patriotic as men, as their service in previous wars has demonstrated. To assume that in times of war, if our national security is at stake, women would not wish to defend our vital interests is to denigrate that patriotism.

Mr. Speaker, this is an issue of basic human rights and equality. That we should still be debating the question of whether the women of this country—more than one-half of our population—should be treated equally under the law is rather incredible. I, for one, do not want the history books to record that, because of the narrowness of a few in power in States across the country, and a male-dominated Congress, women were kept as second-class citizens in a country that has touted to the world its history of freedom, equality and virtually unlimited opportunity.

This is a simple proposition: Do we truly want to continue to foster a society in which some people are more equal than others? I trust the answer is no and that we will see the ERA again brought to the House floor in the near future and adopted without qualifications that can only continue to relegate women to less than equal status.●

EQUAL RIGHTS AMENDMENT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. BIAGGI. Mr. Speaker, as a cosponsor of this joint resolution and as the author of an identical House Joint Resolution 7, I rise in full support of the equal rights amendment. I support this legislation no matter what procedure is used for its consideration. This legislation enjoys tremendous support in this House and therefore to place it on the Suspension Calendar is not such an unusual procedure.

Rarely have 40 words meant so much to so many people as does the text of House Joint Resolution 1:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

These few words constitute the foundation upon which equality under the law for women will be achieved. House Joint Resolution 1 is the centerpiece of congressional commitment on behalf of women's rights in 1983. It occurs at a time when progress is being made on other fronts where discrimination against women is rampant such as in pension policies and as it relates to the nonpayment of child support. Yet without passage by Congress of House Joint Resolution 1 and its subsequent ratification by three-quarters of the States—these other initiatives will pale by comparison and we will be following a piecemeal strategy.

I regret in many ways that we are having to restart the ratification clock on this date November 15, 1983. It was some 12 years ago when I and a majority of my colleagues in the House first ratified the ERA. Under that proposed constitutional amendment States were given 7 years to ratify the measure. In 1978 I again joined with a majority of my colleagues in passing legislation to extend the ratification deadline until June 30, 1982. That day came and went and only 35 States, three short of the required amount had ratified the amendment.

June 30, 1982, was truly one of the most regrettable dates in our Nation's history. It seemed then as it does now—inconceivable that in a nation which prides itself on its advocacy for equal rights for all, that a constitutional amendment securing these rights for women could not be ratified by three-fourths of the States.

Yet because of the fact that we did not June 30, 1982, to be recorded as the date that our commitment to women's equality under law ended, we are here today with a sincere effort to reaffirm congressional support for the amendment and let the ratification clock start again.

In concept and in practice equal rights for women should not be viewed as something alien to our Constitution or way of life. In fact the failure of the United States to provide this as part of our law of the land places us in a socially regressive light in the eyes of those who hold this Nation up as an example of the leader of freedom and rights.

House Joint Resolution 1 must be viewed in a philosophical light as well. There are two schools of thought on how best to achieve equality for women under the law. The first is the approach embraced by this administration that equality can come through a statute by statute elimination of discrimination based on sex. The other school is reflected in House Joint Resolution 1 which goes to the very highest level of the law—the Constitution, mandates equality under all laws and places proper enforcement tools right in the Constitution. The first school is fraught with risks—and riddled with exemptions which can ultimately make a mockery of the process. The second school removes the loopholes and makes it incumbent upon all laws to adhere to the provisions which would ber made part of the Constitution.

Not only does an overwhelming majority of the Congress support the ERA public opinion poll after public opinion poll reveals tremendous support among the American people for the ERA.

The issue before us is simply this—do we support equal rights for women under law or do we not. The issue is certainly not whether we take 40 minutes to debate the issue. I joined as an original cosponsor of House Joint Resolution 1 because in its 40-word text was embodied the full commitment to equality which I believe should be part of the Constitution. I did not support the proposal with the assumption that it would be amended or perfected as some have come to describe their efforts. I believe equal rights for women should be provided precisely the way House Joint Resolution 1 was originally written.

Finally, let me conclude with the observation that the ERA was first introduced in Congress 60 years ago. How much longer should women have to wait for the right of equality under law? Let us renew our commitment today with the passage of the joint resolution, and let all of those who advocate for the ERA work in a responsible fashion in all States so that ratification process can succeed this time. I urge passage today.●

THE EQUAL RIGHTS AMENDMENT

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. HANCE. Mr. Speaker, it has generally been my philosophy to correct any inadequacies in the law by enacting legislation specific to the problem. This approach has been painstaking and slow and not always successful. But if our laws are deficient, they

must be corrected nonetheless. If our laws do not guarantee equal rights, then they must be amended to do so. And if we cannot do so law by law, then we must do so with a broader legislative instrument.

My support of ERA is based solely on eliminating the inequities that exist in our pension laws, our insurance laws, our child care laws, our employment laws, and our tax laws. Those who know me know I do not support gay rights, that I do not support women in combat, that I do not support out-and-out abortion. And for anyone to suggest that I do is wrong.

Some wise old philosopher once said that an invasion of armies can be resisted, but not an idea whose time has come. Mr. Speaker, I submit to the House that the ERA's time has come.●

THE EQUAL RIGHTS AMENDMENT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise in support of House Joint Resolution 1, the equal rights amendment. This is one of the most important bills this Congress, or any Congress, will consider.

Over the past 200 years, our country has made great strides. Where we once rode in horse and buggy we now travel in high-powered jet. The pace of social change, however, has not moved along at the same velocity. Today we sit in the same Chamber where the first congressional debates on ERA took place, 60 long years ago. Since that time, the moral, cultural, and economic reasons for enactment of this amendment have continued to grow.

We can only lament the unknown numbers of chemists, doctors, and lawmakers that might have been, those legions of women with talents that were never nurtured because of the monopoly men have had over these positions throughout the history of this Nation. Of course, there are far more opportunities for women nowadays, in large part because bold women and men struggled against the stereotypes, and worked hard to improve both the perception and status of women.

These changes, though welcome, are no guarantee that discrimination will one day fade from the landscape. The United States has always been a nation enamored with law, a nation that recognized well before most others that clear, precise rules widely distributed are the best defense against tyranny and injustice. Certainly, the equal rights amendment is in keeping with this outstanding tradition. In a mere two sentences, the amendment expresses this Nation's commitment to fairness and equality, declaring that no citizen's rights can be abridged solely on account of sex.

Mr. Speaker, as a freshman Member of Congress it gives me great pleasure to cast my vote in favor of the ERA. I hope that both Houses of Congress and three-fourths of the States eventually see fit to pass this landmark amendment.●

SUPPORT TITLE IX, HOUSE RESOLUTION 190

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Ms. MIKULSKI. Mr. Speaker, I rise in support of House Resolution 190, reaffirming Congress support for the comprehensive coverage originally intended by title IX of the Education Amendments of 1972. Congress enacted this legislation to insure educational equity for American women and to make certain that Federal taxpayer dollars would in no way support gender discrimination.

Yet the Reagan administration will argue before the U.S. Supreme Court later this month, in the case of Grove City against Bell, that only the specific college office receiving Federal funds is required to abide by the antidiscrimination law. In practice, that could mean that the financial aid office is subject to the law, but the academic and sports programs are not.

This is an extremely narrow interpretation of the law. It is yet another attempt by this administration to roll back the gains made in the last decade in the struggle for women's rights. Moreover, this effort to narrow the current broad guarantees under title IX could be extended to narrow those protecting minorities and the handicapped.

Title IX's comprehensive protection against gender discrimination in education is vital to the struggle for economic equality, because education is the door to opportunity. If the door to education begins to close again for women, a world of opportunities will also begin to close.

How has title IX helped the cause of women's equality? Before its enactment, institutions routinely restricted women through the use of quotas, higher admission standards, and by discriminating against them in the award of financial aid. Since its passage, women have made great strides in obtaining vocational, graduate, and professional degrees.

The Federal Government must persevere in its commitment to equality. Chief Justice Warren Burger, writing for the majority in the Bob Jones University case earlier this year, found the "Government has a fundamental, overriding interest in eradicating racial discrimination in education." It has that same interest in eradicating gender discrimination in education.●

MISGUIDED ACTION AGAINST SOUTH AFRICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, today I am introducing a bill which will express the disapproval of this Congress of the attempt by the District of Columbia to divest its funds from South Africa. Their action is based on what they feel is a moral necessity to move to socially responsible investment. It is believed that the pressure exerted by divestiture will force the South African Government to enact the desired social reforms. Although the intent of this action is honorable and something that we all support, it is not only improper means of achieving the goal at hand but will, in fact, be harmful and is based on misconceptions about the current situation in South Africa. My concern about this action is threefold that it will take away the vast array of opportunities opened up to blacks and other nonwhites by U.S. corporations in South Africa, that Americans will be hurt both financially and by the resulting loss of jobs with little or no effect on the policies of the South African Government, and that such actions violate the Commerce Clause of the Constitution and represent a usurpation of power from the Federal Government. I believe that such actions will only serve to hinder the achievement of our goals that it is imperative that we express our disapproval of them.

This view is shared by many of my colleagues and countrymen. During hearings held by the Senate Subcommittee on Africa in 1976, Congressman STEPHEN SOLARZ testified that:

> During the course of my discussions with nationalist and black leaders in South Africa, I found an almost universal conviction that it would be a mistake for the United States to withdraw its investment from South Africa . . .

This view has also been supported by many leaders of South Africa national groups. They have consistently expressed the view that foreign divestiture will harm the black, colored, and Asian nations. Mrs. Lucy Mvubelo, a respected black leader and general-secretary of the National Union of Clothing Workers, South Africa's largest union, stated that:

> Remaining in South Africa and increasing your stake will be a boost to the evolutionary process which is now taking place. It

will be encouragement that the freedom which is so cherished by Americans can also be ours.

This sentiment was also reiterated by Mr. Franklin Sonn, a colored community leader and Labour Party member, who said, "The United States can be a good influence—not by removing its investments and business involvement—but by keeping them here.* * *" Clearly if the leaders of those groups that we propose to help are opposed to divestiture, we must consider it at best as an ill-advised policy to pursue.

Among the reasons that so many people oppose this policy are its effects on black labor markets. At the present time, 230,000 black laborers enter the South African labor market annually and by the end of the century, that number will rise to 360,000. Continued foreign investment in South Africa will help to insure black progress by guaranteeing the overall growth of the South African economy. This will help to expand job opportunities for skilled and semiskilled black labor. Thus, divestiture will hurt, not help, South African labor markets which are of vital concern to those we intend to help.

American investment in South Africa has had additional beneficial effects. It has contributed significantly to changes in labor policy. Black, colored, and Asian workers have been assured of many rights including the right to work, the right to organize and belong to an employees' organization, and the right to negotiate and bargain collectively. Much of this change is based on initiatives taken by American corporations. These actions include voluntary adherence to the Sullivan code of Fair Employment Practices. In areas with a high concentration of American companies, the wages for black workers are above the norm because local companies must meet the pay standards set by the U.S. companies. This clearly indicates that American investment in South Africa helps to promote the goals of racial and economic equality.

American corporations in South Africa have also contributed to the increased availability of educational opportunities for blacks and other minorities. This has been done in a myriad of ways at the initiatives of U.S. businessmen and corporations. Project PACE is one example of an effort by American businesses to build a private coeducational commercial school in Soweto to provide a quality education for black students at the high school level. It has received the support of all of Soweto's leaders including Dr. Motlana, Committee of Ten chairman, who said:

> The most outstanding thing I remember is that the American businessman had, in fact, decided to make this a commercial high school and this is one area where we felt a great need for this type of training and we are more than glad that they made it into a commercial high school.

This, and many other projects like it, show the attempts by American businesses to focus in on local problems and to initiate projects to alleviate them. Other attempts by U.S. businesses in South Africa to increase job opportunities for nonwhites include programs like those initiated by the Dow Chemical Co. Among their programs are language classes for blacks to help build and improve their command of the English language, financial support for the PACE project, and special education grants for the children of black employees. These are only a few examples of programs supported by American businesses that expand the number of educational opportunities for blacks in South Africa, and it is programs such as these that will help to open up all levels of the labor market to participations by nonwhites. The positive benefits of programs such as these will be terminated if efforts to divest succeed. Passage of the District of Columbia bill will contribute to this termination and only serve to stall efforts to achieve racial and economic equality in South Africa.

American companies in South Africa are viewed as one of the major instruments of social change. The U.S. Council for International Business concluded in a study of American corporations in South Africa that:

> American corporations provide health care and housing, support community projects, education and other activities supporting human development. This effort has improved the quality of life of not only thousands of employees of U.S. corporations but also the community as a whole and has set an example for others to follow.

The Ford Motor Co. has granted interest-free home improvement loans to nonwhite employees, established a multiracial sports and recreation facility, and constructed a swimming pool complex for a nonwhite community. These are only a few of the projects embarked upon by U.S. companies to facilitate social change. Measures such as the District of Columbia divestiture bill which place pressure on U.S. industry to divest itself from involvement in South Africa will only create greater racial tensions which the U.S. corporate presence there helps to ameliorate.

Another important area of concern is the effects of divestiture in this country. Despite the claims of proponents of divestiture, many costs are associated with it. This can be seen by the results of divestiture in other States and localities. Only one example is the Commonwealth of Massachusetts. After divesting State pension funds as a protest against the South African Government's racial policies, the State lost $14.4 million. Although losses have not always been the result of divestiture, it is clear that by divesting the United States is only hurting itself. South Africa does not rely heavily on American investment. Thus, the major costs of divestiture will accrue to the United States in the form of lost jobs and lower investment returns with little or no effect on South African racial policies.

The costs to the United States are caused by several underlying factors. The most immediate is the transaction costs of divestiture. A second cost would be the increased staff time that is required to institute and maintain the restrictive investment policy. The most important cost, however, is the fact that the portfolio becomes less attractive in terms of increased risk, lower returns, and the inability to diversify. Because 56 percent of Standard & Poor's 500 stocks and whole sectors are barred by the proposed investment restrictions, the portfolio would consist of smaller capitalization firms. Such firms are riskier since their stock prices are more volatile and they increase the chances of financial loss. The stock of smaller companies is also less liquid when the ability to quickly buy or sell stocks is vital. Overall, the long-term returns on investments are likely to be lower which would result in higher taxes or lower benefits. These figures clearly indicate that divestiture will involve high costs to the District of Columbia pension funds and those who rely on them while its probable effects on the racial policies of the South African Government would be minimal at best.

In addition to the problems created by the effects of divestiture, constitutional questions can also be raised. By forcing divestiture of public funds from South Africa, the District of Columbia is attempting to involve itself in the foreign policy sphere. Such action can be challenged under the "Commerce Clause" of the Constitution which gives Congress the power to "regulate commerce with foreign nations." It is supported by numerous Supreme Court decisions. One example is the decision in U.S. against Pink: "No state can write our foreign policy to conform to its own domestic policies. Power of external affairs is not shared by the State; it is vested in the nation's government exclusively." If States and localities are allowed to use economic leverage to influence the policies of other nations, American foreign policy will become irrational and inconsistent. The District of Columbia divestiture bill, if allowed to stand, will help to set a dangerous precedent of usurpation of power by the States.

I hope that these facts will make it as clear to you as it is to me that we must express our disapproval of this attempt by the District of Columbia to divest its funds from South Africa.

While on its face this action appears to be beneficent, it, in fact, only harms those whom we intend to help. We must not allow the high ideals which form the basis of this action to blind us to its effects when put into practice. If successful, the divestiture of funds from South Africa will cost both Americans and black South Africans jobs, it will take away one of the major instruments of social change in South Africa, and it will not result in any meaningful changes in the racial policies of the South African Government. Therefore, I urge all of my colleagues to support my action and to express their disapproval of this well-intentioned but misguided action by the District of Columbia.●

STUDY OF FEDERAL CUTBACKS ON EMPLOYMENT TRAINING AND OPPORTUNITIES FOR PUERTO RICANS BY NATIONAL PUERTO RICAN COALITION, INC.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. TORRES. Mr. Speaker, I would like to share with my fellow colleagues a research study recently released by the National Puerto Rican Coalition, Inc. (NPRC). The study assessed the impact of Federal cutbacks on employment and training opportunities for Puerto Ricans.

The NPRC was established to advance the social, economic, and political well-being of Puerto Ricans throughout the United States and in Puerto Rico. It is a nonprofit, tax-exempt organization conducting research and analyzing public policies as they affect Puerto Ricans. NPRC provides training and technical assistance to Puerto Rican organizations and is currently developing an extensive national communications network for Puerto Rican communities, community-based organizations, and individuals.

The report summarizes the impact on the Puerto Rican community of Federal cutbacks on employment and training programs in seven cities. This report is particularly timely since unemployment among Puerto Ricans in 1983 has been as high as 14 percent—second only to the unemployment rate for blacks. Among its findings, the report highlights several factors contributing to the unemployment rate of Puerto Ricans such as lack of proficiency in English, low levels of formal schooling, and racial discrimination. The report also provides useful policy recommendations that can serve to improve employment and training opportunities for the Puerto Rican community.

Mr. Speaker, I am submitting for the RECORD a copy of the executive summary of the seven city study. If my fellow colleagues wish to obtain a copy of the complete report, they can write the National Puerto Rican Coalition, Inc., 701 North Fairfax Street, Suite 310, Alexandria, Va. 22314.

EXECUTIVE SUMMARY

BACKGROUND TO THE STUDY

Puerto Ricans throughout the nation's fifty states confront enormous obstacles to their well-being. The socio-economic profile of this second-largest, youngest subgroup of Hispanic Americans is not only stark but appears to be worsening. Compared to the U.S. non-Hispanic white population, other Hispanics and almost every other minority group, Puerto Ricans have fewer jobs, lower family income, higher poverty rates, and lower levels of educational attainment. To cite two examples, 42.8 percent of Puerto Ricans in the United States lived at or below the poverty level in 1981, compared to 34.2 percent and 11.1 percent for the U.S. black and white populations respectively. Mean family income that year was $14,172 for Puerto Ricans, $16,696 for blacks and $26,934 for whites.

While this Puerto Rican reality had been partly reflected in statistics gathered by New York City officials and Puerto Rican organizations over two decades, it was not until 1980 that official U.S. Census figures began to document the bare outlines of the condition of the Puerto Rican community nationally. Recognizing that the need for more complete data on this distressed community persists—especially during times of economic austerity and significant federal domestic policy changes—the National Puerto Rican Coalition conceived and carried out a Rockefeller Foundation-funded study to assess the employment and training opportunities for Puerto Ricans in seven cities with sizeable Puerto Rican populations: Hartford, Rochester, Boston, Newark, New York, Chicago and Philadelphia. Support for the study was also received from the Ford Foundation.

The primary purpose of the study was to document and analyze the actual and anticipated impact of federal cutbacks on employment and training opportunities for Puerto Ricans. Beyond that, its goal was to indentify useful policy recommendations which would serve to improve such opportunities for Puerto Ricans.

METHODOLOGY

Seven individual city studies were designed and carried out during the period February 1982 to August 1983 by principal investigator I. Michael Borrero. Data were collected through questionnaires sent to key administrators of employment and training programs (Comprehensive Employment and Training Act (CETA), Private Industry Council (PIC), Work Incentive Program (WIN) and Vocational Education) in each of the seven cities studied; workshops held in the cities involving key Puerto Rican and non-Puerto Rican members of those communities who were knowledgeable about the needs of the Puerto Rican community and concerned about the economic progress of their city; and questionnaires administered to a randomly selected sample of Puerto Ricans who had participated in public employment and training programs in Hartford, Rochester and Newark.

These studies culminated in reports on five cities (Boston, Hartford, Newark, New York and Rochester) and a summary report.

SELECTED FINDINGS AND RECOMMENDATIONS

Finding 1: There continues to be a great need for precise, accurate social and economic statistical data on Puerto Ricans in the United States, including date on the labor market participation of Puerto Ricans. Available data on this community are usually limited, dated or unfocused.

Recommendation 1: As a matter of policy, federal, state and municipal agencies must begin in earnest to routinely collect socio-economic data concerning Puerto Ricans. Unless this happens soon, policy decisions that could serve to improve the well-being of Puerto Rican communities may never be made.

Finding 2: Given the low socio-economic profile of Puerto Ricans in the cities studied, one would expect appreciable numbers enrolled in public employment and training programs. Our study revealed that, of all groups, Puerto Ricans had the lowest participation levels even though they would be the most eligible. Consequently, across the board program cuts being implemented or considered will have a disproportionate impact on the Puerto Rican community.

Recommendation 2: Puerto Rican community-based organizations, PICs and program administrators must assure that eligibility criteria and service priorities under the Job Training Partnership Act of 1982 are extensively disseminated within the Puerto Rican community. They should also collaborate in local oversight efforts of programs implemented under that act. Program advisory boards and councils, as well as program administrators, must make every effort to ensure that the employment and training needs of the Puerto Rican community are forthrightly addressed through these programs.

Finding 3: There is a wide-spread belief among employment and training program administrators and within the Puerto Rican communities studies that, because of an increased emphasis on producing quantifiable results with significantly reduced program budgets, citizens with additional training needs (e.g., English language instruction (ESL) and basic education) will be overlooked as trainees. In other words, those with the most training needs will receive less.

Recommendation 3: While efforts by employment and training administrators to do more with less are laudable, we should recognize that Puerto Ricans in the cities studied may well be denied entry into such programs precisely because their needs are greater than those of other groups. This would have serious consequences for the Puerto Rican communities involved, and steps must be taken immediately to prevent that from happening. At a minimum, targeted efforts to meet the special needs of this population, such as ESL, basic education and school-to-work transition programs must be strengthened.

Finding 4: Very few Puerto Ricans were found to be members of Private Industry Councils, advisory councils or any important decision-making body, and none of the cities studied had a Puerto Rican or Hispanic administrator in a key decision-making position of employment and training programs.

Recommendation 4: A major commitment must be made by all employment and training program decision-making bodies and by community-based Puerto Rican organiza-

tion to assure that knowledgeable Puerto Ricans are identified and recruited to serve on these councils. Committees should be established within each Private Industry Council and other such decision-making bodies to assure the appropriate participation, at all levels, of the Puerto Rican community. Community groups must set up oversight efforts to assure Puerto Rican imput into the decision-making process.

Finding 5: The percentage of Puerto Rican female-headed households averaged 42 percent of all Puerto Rican households in the seven cities studied. Comparable 1979 national figures (derived from the 1979 Current Population Survey) indicated that while 15 percent of all U.S. households were female-headed, the figures for Hispanic female-headed households were as follows: Puerto Rican, 40 percent; Mexican American, 16 percent; Cuban American and other Spanish Origin, 17 percent.

Recommendation 5: It should be clear that this finding has implications far beyond the focus of this study, and we urge policy makers at all levels as well as the Puerto Rican community itself to give it serious attention. Since, as our study points out, such Puerto Rican households have special child care, pre-training and transportation needs, it is imperative that all groups directly involved or concerned with public employment and training programs ensure that the special employment and training needs of Puerto Rican female heads of households are not overlooked. We therefore recommend that stipends and special support services be made available to assure the participation in employment and training programs by these Puerto Ricans.

CONCLUSION

A 1976 report by the U.S. Commission on Civil Rights, "Puerto Ricans in the Continental United States: An Uncertain Future," reached conclusions that remain valid seven years later:

Those who designed and implemented [Federal poverty programs of the last decade] lacked, almost entirely, an awareness of the Puerto Rican community, its cultural and linguistic identity, and its critical problems . . . causing job training and other programs to operate in vacuums. In some cases, the data the programs are based on are so inadequate that those who should be targets for help, such as Puerto Ricans, have been shortchanged. . . .

The Commission's overall conclusion is that mainland Puerto Ricans generally continue mired in the poverty facing first generations of all immigrant or migrant groups. . . .

The United States has never before had a large migration of citizens from offshore, distinct in culture and language and also facing the problem of color prejudice. After 30 years of significant migration, contrary to conventional wisdom that once Puerto Ricans learned (English) the second generation would move into the mainstream of American society, the future of this distinct community in the United States is still to be determined.

As our study makes clear at the outset, its findings and recommendations should be viewed as a significant step toward the long-overdue, precise documenting of the Puerto Rican condition throughout the United States.

While Puerto Rican migration between Puerto Rico and the U.S. mainland remains a significant factor that must be considered by all concerned with the well-being of Puerto Ricans, these Americans are no longer a primary Puerto Rico-New York City phenomenon. Indeed, they face similarly acute problems wherever they reside, throughout the 50 states. Yet their growing numbers and untapped talents and energies represent a vital factor in this nation's progress. By understanding and responding to the distinctive needs of the Puerto Rican worker, all Americans will benefit.●